

APPENDIX

TO THE HISTORY OF THE FOURTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

SPAIN.—PROHIBITION OF ILLEGAL EXPEDITIONS IN THE UNITED STATES.

A PROCLAMATION,

By the President of the United States of America.

Whereas information has been received that sundry persons, citizens of the United States, or residents within the same, and especially within the State of Louisiana, are conspiring together to begin and set on foot, provide, and prepare the means for a military expedition or enterprise against the dominions of Spain, with which the United States are happily at peace; that, for this purpose, they are collecting arms, military stores, provisions, vessels, and other means; and deceiving and seducing honest and well-meaning citizens to engage in their unlawful enterprises; or organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided: I have, therefore, thought fit to issue this my proclamation, warning, and enjoining all faithful citizens who have been led, without due knowledge or consideration, to participate in the said unlawful enterprises, to withdraw from the same without delay; and commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein, as they will answer the contrary at their peril. And I hereby enjoin and require all officers, civil and military, of the United States, or of any of the States or Territories, all judges, justices, and other officers of the peace, all military officers of the army or navy of the United States, and officers of the militia, to be vigilant, each within his respective department, and according to his functions, in searching out and bringing to punishment all persons engaged or concerned in such enterprises; in seizing and detaining, subject to the disposition of the law, all arms, military stores, vessels, or other means provided or providing for the same; and, in general, in preventing the carrying on such expedition or enterprise, by all the lawful means within their power: and I require all good and faithful citizens and others, within the United States, to be aiding and assisting herein; and especially in the discovery, ap-

prehension, and bringing to justice of all such offenders; in preventing the execution of their unlawful combinations or designs; and in giving information against them to the proper authorities.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the City [L. s.] of Washington, the first day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the said United States of America the fortieth.

JAMES MADISON.

By the President:

JAMES MONROE, *Secretary of State.*

ALGIERS.

[Communicated to the Senate, December 6, 1815.]
To the Senate of the United States:

I lay before the Senate, for their consideration and advice, as to a ratification, a Treaty of Peace with the Dey of Algiers, concluded on the 30th day of June, 1815; with a letter relating to the same from the American Commissioners to the Secretary of State.

JAMES MADISON.

WASHINGTON, Dec. 6, 1815.

Treaty of Peace and Amity concluded between the United States of America and His Highness Omar Bashaw, Dey of Algiers.

ARTICLE 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the President and citizens of the United States of America, on the one part, and the Dey and subjects of the Regency of Algiers in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: and if either party shall, hereafter, grant to any other nation any particular favor or privilege in navi-

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gation or commerce, it shall immediately become common to the other party—freely, when it is freely granted to such other nations; but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

ART. 2. It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers, from the United States of America, on any pretext whatever.

ART. 3. The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

ART. 4. A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the Treaty of Peace and Amity concluded between the United States and the Dey of Algiers on the 5th of September, 1795.

And it is agreed between the contracting parties, that, in lieu of the above, the Dey of Algiers shall cause to be delivered, forthwith, into the hands of the American Consul residing at Algiers, the whole of a quantity of bales of cotton left by the late Consul General of the United States in the public magazines in Algiers; and that he shall pay into the hands of the said Consul the sum of ten thousand Spanish dollars.

ART. 5. If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

ART. 6. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately; and in no case, or on any pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war be detained from its lawful owners, after the exhibition of sufficient proofs of American citizenship and of American property by the Consul of the United States residing at Algiers.

ART. 7. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with

merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person, on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, or having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passports shall be granted by either party to any vessel but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

ART. 8. A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for six months, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ART. 9. Vessels of either of the contracting parties, putting into the ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a distance at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duty whatever; but in no case shall she be compelled to land her cargo.

ART. 10. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon; and the crew shall be protected and succored, until they can be sent to their own country.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

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ART. 12. The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

ART. 13. The Consul of the United States of America shall not be responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

ART. 14. On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships-of-war of the most favored nations on similar occasions, and which shall be returned, gun for gun; and if, after such arrival, so announced, any Christians, whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships-of-war, they shall not be required back again; nor shall the Consul of the United States or commanders of said ships be required to pay anything for the said Christians.

ART. 15. As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation; and as the said States have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the Consuls and agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea; and shall not be prevented from going on board any vessels they may think proper to visit; they shall likewise have liberty to appoint their own dragoman and broker.

ART. 16. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared, on any pretext whatever; but, if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievance in writing, and transmit the same to the Government of the other; and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and, in case the grievances are not redressed, and a war should be the event, the Consuls and citizens or subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper reasonable time being allowed for that purpose.

ART. 17. If, in the course of events, a war

should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safekeeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

ART. 18. If any of the Barbary States, or other Powers at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supply of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kinds, and to sell such prizes in the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

ART. 19. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States, and the citizens or subjects of any other nation having a Consul or agent in Algiers, such disputes shall be settled by the Consuls or agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States, and the subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

ART. 20. If a citizen of the United States should kill, wound, or strike a subject of Algiers; or, on the contrary, a subject of Algiers should kill, wound, or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament. And if any delinquent should make his escape, the Consul shall not be responsible for him, in any manner whatever.

ART. 21. The Consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house and family.

ART. 22. Should any of the citizens of the United States of America die within the limits of the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the ef-

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fects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when he shall render an account of the property; neither shall the Dey nor his subjects give hindrance in the execution of any will that may appear.

ON BOARD THE U. S. SHIP GUERRIERE.
July 6, 1815.

I certify the foregoing to be a true copy of a treaty of peace negotiated by Commodore Decatur and myself with the Regency of Algiers, and signed by the Dey of that Regency on the 30th June, 1815.

WILLIAM SHALER.

UNITED STATES SHIP GUERRIERE,
BAY OF ALGIERS, July 4, 1815.

SIR: We have the honor to refer you to the official reports of Commodore Decatur to the Navy Department, for an account of the operations of this squadron previous to our arrival off Algiers, on the 28th ultimo.

Having received information that the Algerine squadron had been at sea for a considerable time longer than that to which their cruisers usually extend, and that a despatch-boat had been sent from Gibraltar to Algiers to inform them of our arrival in the Mediterranean, we thought that they might have made a harbor where they would be in safety. We, therefore, while they were in this state of uncertainty, believed it a proper moment to deliver the President's letter, agreeably to our instructions. Accordingly, on the 29th ultimo, a flag of truce was hoisted on board the Guerriere, with the Swedish flag at the main. A boat came off about noon, with Mr. Norderling, Consul of Sweden, and the captain of the port, who confirmed the intelligence we had before received, and to whom we communicated information of the capture of their frigate and brig. The impression made by these events was visible and deep. We were requested by the captain of the port (Mr. Norderling declaring he was not authorized to act) to state the conditions on which we would make peace; to which we replied by giving the letter of the President to the Dey, and by a note from us to him; a copy of which (No. 1) we have the honor to transmit herewith. The captain of the port then requested that hostilities should cease pending the negotiation, and that persons authorized to treat should go on shore; he and Mr. Norderling both affirming that the Minister of Marine had pledged himself for our security and return to our ships when we pleased. Both these propositions were rejected, and they were explicitly informed that the negotiation must be carried on on board the fleet, and that hostilities, as far as they respected vessels, could not cease. They then returned on shore. On the following day the same persons returned, and informed us that they were commissioned by the Dey to treat with us on the proposed basis, and their anxiety appeared extreme to conclude the peace imme-

diately. We then brought forward the model of a treaty, which we declared would not be departed from in substance; at the same time declaring that, although the United States would never stipulate for paying tribute under any form whatever, yet, that they were a magnanimous and generous nation, who would, upon the presentation of Consuls, do what was customary with other great nations in their friendly intercourse with Algiers. The treaty was then examined, and they were of opinion that it would not be agreed to in its present form, and particularly requested that the article requiring the restitution of the property they had captured, and which had been distributed, might be expunged; alleging that such a demand had never before been made upon Algiers. To this it was answered that the claim was just, and would be adhered to. They then asked whether, if the treaty should be signed by the Dey, we would engage to restore the captured vessels? which we refused. They then represented that it was not the present Dey who had declared the war, which they acknowledged to be unjust; conceding that they were wholly in the wrong, and had no excuse whatever; requesting, however, that we would take the case of the Dey into consideration, and, upon his agreeing to terms with us, more favorable than had ever been made with any other nation, to restore the ships, which they stated would be of little or no value to us, but would be of great importance to him, as they would satisfy the people with the conditions of the peace we were going to conclude with him.

We consulted upon this question, and determined that, considering the state of those vessels, the sums that would be required to fit them for a passage to the United States, and the little probability of selling them in this part of the world, we would make a compliment of them to His Highness in the state they then were; the Commodore engaging to furnish them with an escort to this port. This, however, would depend upon their signing the treaty as presented to them, and could not appear as an article of it, but must be considered as a favor conferred on the Dey by the United States.

They then requested a truce, to deliberate upon the terms of the proposed treaty, which was refused; they even pleaded for three hours. The reply was, "not a minute; if your squadron appears in sight before the treaty is actually signed by the Dey, and the prisoners sent off, ours would capture them." It was finally agreed that hostilities should cease when we perceived their boat coming off with a white flag hoisted, the Swedish Consul pledging his word of honor not to hoist it unless the treaty was signed, and the prisoners in the boat. They returned on shore, and, although the distance was full five miles, they came back within three hours, with the treaty signed as we had concluded it, and the prisoners.

During the interval of their absence a corvette appeared in sight, which would have been captured if they had been detained one hour longer.

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The treaty has since been drawn out anew, translated by them, and duly executed by the Dey; which we have the honor to transmit herewith.

Mr. Shaler has since been on shore, and the cotton and money mentioned in the fourth article have been given up to him. They now show every disposition to maintain a sincere peace with us, which is, doubtless, owing to the dread of our arms; and we take this occasion to remark that, in our opinion, the only secure guaranty we can have for the maintenance of the peace just concluded with these people is, the presence in the Mediterranean of a respectable naval force.

As this treaty appears to us to secure every interest within the contemplation of the Government, and as it really places the United States on higher grounds than any other nation, we have no hesitation, on our part, in fulfilling such of its provisions as are within our power, in the firm belief that it will receive the ratification of the President and Senate.

We have the honor to be, with great respect, sir, your obedient servants,

STEPHEN DECATUR,
WILLIAM SHALER.

HON. JAMES MONROE,
Secretary of State.

No. 1.

The American Commissioners to the Dey of Algiers.

The undersigned have the honor to inform His Highness the Dey of Algiers that they have been appointed by the President of the United States of America Commissioners Plenipotentiary to treat of peace with his Highness; and that, pursuant to their instructions, they are ready to open a negotiation for the restoration of peace and harmony between the two countries, on terms just and honorable to both parties; and they feel it incumbent on them to state, explicitly, to His Highness, that they are instructed to treat upon no other principle than that of perfect equality, and on the terms of the most favored nations; no stipulation for paying any tribute to Algiers, under any form whatever, will be agreed to.

The undersigned have the honor to transmit, herewith, a letter from the President of the United States, and they avail themselves of this occasion to assure His Highness of their high consideration and profound respect.

STEPHEN DECATUR,
WILLIAM SHALER.

COMMERCIAL CONVENTION WITH GREAT BRITAIN.

[Communicated to the Senate, December 6, 1815.]
To the Senate of the United States:

I lay before the Senate, for their consideration and advice, as to a ratification, a Convention to regulate the commerce between the United States and Great Britain, signed by their respective Plen-

ipotentiaries on the 3d of July last, with letters relating to the same, from the American Plenipotentiaries to the Secretary of State; and also the declaration with which it is the intention of the British Government to accompany the exchange of the ratifications of the Convention.

JAMES MADISON.

WASHINGTON, Dec. 6, 1815.

A Convention to regulate the Commerce between the Territories of the United States and His Britannic Majesty.

The United States of America and His Britannic Majesty, being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories, and people, in such manner as to render the same reciprocally beneficial and satisfactory, have respectively named Plenipotentiaries, and given them full powers to treat of and conclude such convention: that is to say, the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has named for his Plenipotentiaries the Right Honorable Frederick John Robinson, Vice President of the Committee of Privy Council for Trade and Plantations, Joint Paymaster of His Majesty's Forces, and a member of the Imperial Parliament; Henry Goulburn, Esq., a member of the Imperial Parliament, and Under Secretary of State; and William Adams, Esq., Doctor of Civil Laws: and the said Plenipotentiaries, having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, viz:

ART. 1. There shall be, between the territories of the United States of America and all the territories of His Britannic Majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

ART. 2. No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe of any articles the growth, produce, or manufacture of the Uni-

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ted States, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to His Britannic Majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or of His Britannic Majesty's territories in Europe, to or from the said territories of His Britannic Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States, on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on vessels of the United States, than shall be payable in the same ports on British vessels.

The same duties shall be paid on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels; and the same duties shall be paid on the importation, into the ports of any of His Britannic Majesty's territories in Europe, of any article the growth, produce, or manufacture of the United States, whether such importation shall be in British vessels or vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, to the United States, whether such exportation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of the United States, to His Britannic Majesty's territories in Europe, whether such exportation shall be in British vessels or in vessels of the United States.

It is further agreed, that, in all cases where drawbacks, are, or may be, allowed upon the re-exportation of any goods the growth, produce, or manufacture, of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or an American vessel. But when such re-exportation shall take place from the United States in a British vessel, or from the territories of His Britannic Majesty in Europe in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawbacks.

The intercourse between the United States and

His Britannic Majesty's possessions in the West Indies and on the continent of North America shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights with respect to such an intercourse.

ART. 3. His Britannic Majesty agrees that the vessels of the United States of America shall be admitted, and hospitably received at the principal settlements of the British dominions in the East Indies, viz: Calcutta, Madras, Bombay, and Prince of Wales's island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited: *Provided, only*, That it shall not be lawful for them, in any time of war between the British Government and any State or Power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favored European nations; and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations. But it is expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood that the permission granted by this article is not intended to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States, having in the first instance proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade.

The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the island of St. Helena, or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that, in all that regards this article, the citizens of the United States shall be subject in all respects to the laws and regulations of the British Government from time to time established.

ART. 4. It shall be free for each of the two contracting parties, respectively, to appoint Consuls for the protection of trade in the dominions and territories of the other party; but, before any

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Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws or Government of the country to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back; the offended Government assigning to the other the reasons for the same.

It is hereby declared, that either of the contracting parties may except from the residence of Consuls such particular places as such party shall judge fit to be excepted.

ART. 5. This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the United States and His Majesty for four years from the date of its signature; and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

Done at London, this third day of July, in the year one thousand eight hundred and fifteen.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN,
FREDERICK J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

Extract of a letter from the American Commissioners, Messrs. Clay and Gallatin, to the Secretary of State, dated

LONDON, May 18, 1815.

Having had reason to believe that the British Government had abstained from answering the communication of the joint commission from Ghent of the — day of December, 1814, until they received official information of the American ratification of the Treaty of Peace, we thought it advisable, soon after that event was known to us, to repair to this city, in order that we might ascertain the disposition of this Government as to the commercial intercourse between the two countries.

Shortly after our arrival here, we were invited by Lord Castlereagh to an interview with him. A minute of the substance of the conversation which took place on that occasion, as drawn up and agreed to by the parties, is enclosed. We communicated to Mr. Goulburn, the next day, our answer upon the three subjects to which the conversation related.

In the interview with Lord Castlereagh, he had stated that four or five days might be necessary on their part to prepare for the proposed conversation. Nearly three weeks having elapsed without hearing further on the subject, we took what appeared to us a fit occasion to intimate our intention of leaving London. A few days after, we received an invitation from the Vice President of the Board of Trade, Mr. Robinson,

to call at his office on the 11th instant. We accordingly attended, and were received by him and Messrs. Goulburn and Adams, two of the British Commissioners who had negotiated the Treaty of Ghent.

They opened the conversation by adverting to what had led to this interview, and professed themselves to be ready to receive any propositions we might choose to make. We observed, that in the treaties which America had heretofore made (particularly with this country) regulating commercial intercourse, there were generally comprised two subjects: one, which respected commercial regulations, applicable to a state of peace as well as of war; the other, which respected the rights and duties of the parties, one being at war and the other remaining at peace. Accordingly, our Government had instructed us to bring forward both those subjects.

As to the commercial intercourse, without at this time going into details, or minor points, which it might be necessary in the progress of the negotiation to adjust, we would content ourselves, in this unofficial conversation, with touching on the most important topics which it seemed to us desirable to discuss and arrange. These were, that the two countries should respectively be placed on the footing of the nation the most favored; that, in the trade between America and the British European dominions, all discriminating duties on tonnage and on merchandise, either imported or exported, should be abolished; that the trade between America and the British West Indies should be regulated, and placed on some more permanent basis than the occasional acts of the colonial authorities; that the nature and kind of intercourse between America and the adjoining British provinces should be defined and provided for; and that the trade with the British India possessions should be opened to America on liberal principles.

In regard to the discriminating duties, we remarked, that a proposition to abolish them first came from Great Britain, and a provision to that effect was inserted in the unratified treaty of 1806. Congress had taken up the matter at their last session, and passed an act, which we explained. We thought it desirable that they should be abolished, in order to prevent those collisions, and that system of commercial warfare, in which the two countries would probably be involved by an adherence to them. As an example, we mentioned the great extra duty to which, as we understood, the article of cotton was liable by the British laws, when imported in foreign vessels, and which, if persisted in, would certainly be met by some countervailing regulations.

With respect to the trade to British India, we observed, that we had no equivalent to offer for it; that it was for Great Britain to consider whether a commerce, consisting as it did almost entirely in the exchange of our specie for India produce, was not of a nature to deserve the most liberal encouragement; but that we had rather enter into no stipulation on the subject than be

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restricted to a direct intercourse, as had been proposed by the unratified treaty, both on the outward and return voyage.

On the other subject, (the rights and duties of the parties, one being at war and the other in a condition of peace,) we proceeded to remark, that whilst a prospect of a long European peace appeared to exist, as was the case when the Treaty of Ghent was concluded, it was less important to provide for questions arising under this head. But it was impossible to shut our eyes to the demonstrations everywhere making of a new war, which, if it should assume a maritime character, might again menace the harmony and good understanding between the two countries. It was desirable, therefore, to anticipate and provide for the evil. The first and most important point was that of impressment. Great Britain had always professed a willingness to receive and consider any proposition which America should be disposed to make on that subject. It would, perhaps, be unprofitable at this time to go into a discussion of the right; as to which we would merely remark, that it was impossible that there could be a stronger conviction on the part of Great Britain that it was with her, than there was on the part of America that it was on her side. It was better to look to some practical arrangement, by which, without concession of right by either party, the mischiefs complained of on both sides might be prevented. To this end the attention of our Government had been turned. We believed that Great Britain had never heretofore contended that the American Government was bound to prohibit the merchants of the United States from employing foreign seamen, any more than it was bound to forbid their shipping contraband articles. America was, however, now willing to take upon herself such an obligation, and to exclude British seamen from her merchant service; and we believed such exclusion might be as effectually executed as our revenue laws. Here we called their attention to the act which Congress had passed on that subject, and to the message of the President to that body towards the close of its last session. Upon the supposition that the exclusion of British seamen should be absolute and entire, there would no longer exist any ground for the claim of impressment, and, of course, no objection to its abandonment. We stated that, besides the motive which existed with our Government of guarding against collision with Great Britain, another powerful one operated—that of encouraging our native seamen, and of not being obliged to rely on the uncertain supply of foreigners. To this system, as a substitute for that of impressment, it did not appear to us that Great Britain could object, unless it was thought to be impracticable in its execution. We had no doubt ourselves that, even admitting that there might be, as in cases of smuggling, occasional instances of evasion of the system of exclusion, it would nevertheless be, upon the whole, much more favorable in its result to Great Britain. This system would apply

to and operate upon every American vessel; whilst that of impressment reached only the cases of those vessels with which it accidentally came in contact. We were aware of the difficulties which had heretofore opposed a satisfactory arrangement on this subject. Still, it was one of such vital importance, so tending to bring the two countries into collision, that it was impossible it should receive a consideration too earnest and too anxious.

The next point which it seemed to us important to settle was, the trade of America with the colonies of the enemies of Great Britain. Towards the end of the last European war, questions growing out of that trade had been terminated by the conquest of those colonies by Great Britain; but many of them having been restored at the peace, the disputes which heretofore existed might again arise. The former arrangements on this subject might, with some modifications, serve as a basis.

We then stated that we did not intend, in this preliminary and unofficial conversation, to discuss the other points belonging to this branch of the subject. A definition of blockades was desirable, and could not, it seemed, be attended with much difficulty, as we believed that there was no real difference between the two countries with respect to the abstract principle; but we apprehended that the disputes which might hereafter take place on that subject would arise almost exclusively from questions of fact, which no previous definition could prevent.

As, in the event of war, Great Britain might desire to know the disposition of our Government on the subject of privateers and prizes, we would only now say that the principle which might be adopted with respect to Great Britain, whether of admission or exclusion, must equally and impartially apply to all the parties to the war.

These were all the topics noticed by us, and we enforced and illustrated them by various other observations.

The British gentlemen, professing not to have expected those points to be brought forward which applied to a belligerent state of one of the parties, expressed a wish to know whether, in our view, the two subjects were inseparable, and whether we could not come to an agreement on those topics which were probably less difficult to be adjusted, leaving the others for further consideration and future arrangement? We replied, that, heretofore, they had always been blended together by our Government, and that we intended to bring them all up for consideration; that, at present, however, we only presented them for consideration, as it would be premature, at this time, to make any of them a *sine qua non*; and that whether a treaty omitting some of them would be acceptable, must depend on its general tenor, and upon the extent and importance of the subjects which might be comprehended in the arrangement.

They proceeded to remark that some of the subjects had been always found to involve ex-

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treme difficulty, particularly that of impressment; that Great Britain was certainly prepared, at all times, to receive and to consider any proposition that America might be disposed to make in relation to it; but one of the gentlemen remarked that, from the deep interest which was felt by Great Britain in it, she must view with great jealousy (by which, he said, he meant vigilance) any such proposition; that the inquiry which they had just made as to our willingness to separate the two subjects proceeded from a wish to ascertain whether it were likely that any practical result could be speedily obtained, if they entered upon the negotiation at this time.

On the subject of discriminating duties, mentioned by us, they said their Government would receive favorably the proposition for a mutual abolition of them. As to the trade with India, their Government was not at all disposed to shut us out from it. In regard to the trade to the West Indies, considering the difficulties which had heretofore presented themselves in placing it, by treaty, upon a footing satisfactory to both parties, they feared it would not now be practicable to enter into any stipulation respecting it which should meet the views of the two countries.

The interview terminated by their stating that they would report to the Cabinet the substance of what had passed between us, and by their pledging themselves to do all in their power to afford us an early answer.

On the 16th instant, having been again invited by the Vice President of the Board of Trade to call at his office, we accordingly attended, and were received by the same gentlemen. They stated that they had reported to the Cabinet what had passed at the last interview, and were now prepared to give us an answer on the several topics to which the conversation related; in doing this, they would observe the order which had been marked out by us.

1st. On the commercial intercourse between the two countries, they were authorized to state that their Government was ready to treat with us on the footing of the most favored nation, and was also willing to enter into any arrangement by which all discriminating duties on importations and tonnage should be mutually done away. They were willing to admit us to the enjoyment of the trade with British India, unclogged by the restriction on the outward voyage contained in the unratified treaty, but must still insist on that contained in the treaty of 1794, on the return voyage. Considering that we had candidly stated that we had no equivalent to offer, except what was to be found in the trade itself, they would expect, for this concession, a spirit of accommodation on our side in other parts of the commercial arrangement—the fur trade, or some other.

The trade with the British West Indies, they stated, had always been a subject of great difficulty, and their Government was not prepared to make any change in that colonial policy to which they had so long adhered; but they would

hope that this would not form any obstacle to the negotiation.

With respect to the trade with their North American possessions, they were ready to receive and discuss any propositions we might have to offer, with an anxious desire to place it on a footing mutually satisfactory.

2dly. On those subjects which related to a state in which one of the parties should be at war and the other in peace, it was not necessary to disguise that they had been always attended with great difficulties. Still they were willing, in a spirit of amity and with candor, to receive and to discuss any propositions we might offer.

With regard to blockades, they could not think it necessary to enter into any treaty definition of them, as the questions which might hereafter arise on that subject, according to our own statement, would relate rather to the fact than to the principle, on which the two Governments seemed to agree. Indeed, they thought that such a definition might tend to weaken, as implying a doubt of the correctness of the principle.

In relation to the trade with enemies' colonies, besides the intrinsic difficulty of the question, as heretofore experienced in all attempts to arrange it, there was another, arising out of their want of information as to whether France had adopted any, and what, system of colonial policy, since the restoration of her colonies. It might be that she had opened their trade to foreign nations in peace as well as in war; in which case, the questions that had heretofore existed could not be agitated again.

Impressment had, they continued, of all this class of subjects, been found most difficult to arrange. They were aware how important it was considered in both countries, and how, in both, it touched public sensibility. As heretofore, they were now ready to receive and consider any proposition our Government might make respecting it; and, even without any treaty stipulation, their Government was now anxiously engaged in devising means to prevent the abuses of which we complain. If the law which we had mentioned at the last interview should be effectual in its object, it would doubtless do away a great motive with them for impressment. Still they were bound to consider, with the most vigilant attention, any proposition for the abandonment of what they must consider a right essential to their safety. That law did not, however, as they understood, settle the question who were to be considered as British subjects—a question on which the two countries might not be able to come to an understanding.

With regard to our ideas respecting privateers and prizes, they were certainly fair and unexceptionable.

As they had hinted at some accommodation in the fur trade, or in other parts of the commercial arrangement, for their supposed concession respecting the India trade, we thought the occasion suitable for stating that we were positively instructed not to consent to the renewal of the trade between British subjects and the Indians

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within our territories. We stated that the disposition of our Government on this subject did not proceed from commercial, but political considerations. They did not insist upon it, nor seem to think that the determination of our Government would prevent an arrangement of the Canada trade. One of them inquired whether we expected, in like manner, to be excluded from the trade with the Indians in their territories? To which we replied, certainly.

We explained the law for the exclusion of foreign seamen from our service, and mentioned that the naturalization of seamen would be almost altogether prevented, in future, by the necessity of a continued residence of five years. We stated that we were authorized to enter into stipulations that would forbid the employment of such British seamen as might, under our laws, be hereafter naturalized; but that we could not do it with respect to those who were already naturalized. We had thought that, as to them, an exception might be made, permitting, on both sides, the voluntary employment of such seamen, natives of one country, as might have heretofore been naturalized under the laws of the other country. We added, that the number of British seamen already naturalized, which could constitute, as it appeared to us, the only difficulty in an arrangement, was very inconsiderable. Doctor Adams concurred in opinion that there were not many.

We made some further explanations, and finally told them that, considering the dispositions which we had been happy to meet with in them, we would now say, that we would enter upon the negotiation; reserving to ourselves, however, the right, as our powers were several as well as joint, to withdraw from it if circumstances should make it eligible to do so, and to leave Mr. Adams, whom we daily expected, to conclude it.

The interview closed by their undertaking to provide themselves immediately with the necessary powers to proceed in the negotiation, and by an assurance that they would continue to do all in their power to bring it to a speedy and successful issue.

Extract of a minute of a conversation which took place at Lord Castlereagh's, between his Lordship and Messrs. Clay and Gallatin, April 16, 1815.

Lord Castlereagh then called the attention of the American Commissioners to a communication made by them at Ghent, relative to their power to treat on the commercial intercourse between the two countries. He said, before he gave an answer to that communication, he should be glad, if it were agreeable to the American Commissioners, that there should be an unofficial conversation between them and the British Commissioners who negotiated the Treaty of Peace, together with Mr. Robinson, whom he would associate with them for that purpose, to ascertain if it were likely that some general principles could be agreed upon to form the basis of a treaty of commerce. He should prefer that this conversa-

tion, like that which he understood had taken place in the former negotiation between Lords Holland and Auckland, and Messrs. Monroe and Pinkney, should be free from official forms; and thought such a course best calculated to ascertain if it were likely that the two Governments could come to any practical result on this interesting subject.

It was observed by one of the American Commissioners, that such a conversation would be on terms of inequality, (the American Commissioners being invested with powers, and the other gentlemen having none,) unless it was understood not only that it should be considered as entirely unofficial, but that the same gentlemen should afterwards be commissioned to conclude a treaty, if it were thought that one could be formed. Lord Castlereagh remarked, in reply, that such was certainly his intention.

The conversation ended in an understanding that the American Commissioners would consult together upon the three topics mentioned by Lord Castlereagh, and communicate on the following day to Mr. Goulbourn the result of their deliberations.

The American Plenipotentiaries to the Secretary of State.

LONDON, July 3, 1815.

SIR: We have the honor to transmit a convention for regulating the commercial intercourse between the United States and Great Britain, which we concluded this day with the British Plenipotentiaries.

Messrs. Clay and Gallatin's despatch of the 18th May last has informed you of the preliminary steps taken by them on that subject. Mr. Adams arrived in London on the 24th of May, and on the 5th of June we were invited by Messrs. Robinson, Goulbourn, and Adams, to meet them on the 7th. At this conference, after a mutual exhibition of our powers, and some general observations, we delivered to them our project of a commercial convention, a copy of which (marked No. 1) is herewith enclosed. They promised to take it into immediate consideration, and on the 9th informed us that they would prepare and transmit to us a contre-projet.

Believing that there was no prospect of an immediate arrangement on the subject of seamen, and knowing that without it no treaty defining the rights and duties of belligerents and neutrals was admissible, we excluded all that related to that branch of the subject from our projet, and confined it to objects purely commercial.

We took the third article of the Treaty of 1794, respecting the intercourse with Canada, as the basis of the corresponding article: omitting, according to our instructions, whatever related to the Indian trade. In drawing the other articles, we were principally guided by the unratified Treaty of 1806; by the instructions given in relation to it by the Secretary of State, in his despatch of May 20, 1807; and by the act of Congress of the 3d March last, for abolishing all dis-

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criminating duties. From the previous explicit declarations of the British Plenipotentiaries, we deemed it useless to offer any article on the subject of the intercourse with the West India islands, and only inserted a clause to prevent the application to that intercourse of the provisions contemplated by the convention.

On the 16th the British Plenipotentiaries addressed to us a note, enclosing their contre-projet, (marked No. 2,) and on the 17th we transmitted our answer, (marked No. 3.) The whole subject was discussed at large in conferences held on the 19th and 21st. The British Plenipotentiaries, in a note of the 10th, (marked No. 4.) stated the substance of their answer to ours of the 17th. In the conference of the 21st we delivered the additional clause to the second article of the contre-projet, (marked No. 5,) and afterwards, on the same day, we transmitted our note, marked No. 6.

It will be perceived, by these notes, that we had come to an understanding as to the intercourse between the United States and the British territories in Europe, and that we disagreed on three points—the intercourse with Canada; placing, generally, both countries on the footing of the most favored nations; and the intercourse with the British East Indies.

On the first point, the British Plenipotentiaries persisted in refusing to admit that the citizens of the United States should have the right to take their produce down the river St. Lawrence to Montreal, and down the river Chambly (or Sorel) to the St. Lawrence; and, without that permission, the article was useless to us, and unequal in its practical operation. The provision that the importation of our produce into Canada should not be prohibited, unless the prohibition extended generally to all similar articles, afforded us no security, as no similar articles are imported into Canada from any other foreign country; whilst the corresponding provision respecting the importation into the United States, through Canada, of the produce and manufactures of Great Britain, effectually prevented us from prohibiting such an importation, since this could not be done without extending the prohibition to the importation of all similar articles, either of British or other growth or manufacture, into the Atlantic ports of the United States.

The article for placing, respectively, the two countries on the footing of the most favored nation, limited, as was insisted on by the British Plenipotentiaries, to the intercourse between the United States and the European territories of Great Britain, was unnecessary, since all that appeared desirable on that subject was secured by the second article; and a provision of that nature, unless offering some obvious advantage, was deemed embarrassing, on account of the difficulties attached to its execution.

With this view of the two subjects, and finding that to arrange them in a satisfactory manner was impracticable, we proposed, in our note of the 21st, to omit altogether the articles relating to them.

On the subject of the intercourse with India,

the British Plenipotentiaries, contrary to the impression made in the unofficial conversations on Messrs. Clay and Gallatin, insisted, on our official conferences, that our admission to that trade was, on the part of Great Britain, a concession altogether gratuitous, and for which, particularly as to the privilege of indirect outward voyages, she ultimately expected an equivalent; whilst we strenuously contended that an equivalent was found in the trade itself, which was highly beneficial to India, or, at all events, considering the nature of the commercial intercourse generally between the two countries, in the other provisions of the convention. On the same ground, we urged our claim to be placed in India on the same footing, at least, as the most favored nations; to which it was replied that they made a distinction between those nations which had possessions there and those which had none. The refusal not being altogether explicit, we renewed our proposal to that effect in our note.

The British Plenipotentiaries, in a note of the 23d, (marked No. 7,) acceded to our proposal to omit the third and fifth articles, and refusing that on the subject of Indians, offered to omit the article altogether, and to sign a convention embracing only the provisions respecting the intercourse between the United States and the British territories in Europe.

This proposal we rejected in our note of the 24th, (marked No. 8.) But in order to meet, if practicable, the views of the British Government, and to avoid making any distinction between the East India trade and the other branches of commercial intercourse, we proposed to limit the duration of the whole convention to four years; and we offered, as an alternative, an arrangement for the sole purpose of abolishing the discriminating duties, in conformity with the act of Congress of the last session.

In a note of the 26th, (marked No. 9,) the British Plenipotentiaries informed us that they found it necessary to refer our last proposals to their Government; and by their note of the 29th, (marked No. 10,) they accepted our offer of a convention embracing the East India article, and limited to four years, to be calculated from the date of its signature. We replied to this in a note dated 30th June, (and marked No. 11,) and on the same day arranged, in a conference, the details of the convention.

We beg leave to add, that the same restriction which confines our vessels to the principal ports of India is, except in special cases, imposed by the act of Parliament on British subjects; and that, besides the discrimination in the export duty from England, the difference on the import duty on the article of cotton had, by a late act of Parliament, been increased to two-pence sterling per pound in favor of every species imported in British vessels, and even of Brazil cotton imported in Portuguese vessels.

We have the honor to be, respectfully, &c.
JOHN QUINCY ADAMS,
H. CLAY,
ALBERT GALLATIN.

Commercial Convention with Great Britain.

No. 1.

Projet of the American Ministers.

ART. 1. There shall be between the territories of the United States and all the dominions of His Britannic Majesty in Europe, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers within the territories and dominions aforesaid, to enter into the same, to resort there, and to remain and reside there without any limitation of time; also, to hire and possess houses and warehouses, for the purposes of their commerce; and, generally, the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries, respectively.

ART. 2. No other or higher duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture, of the dominions of His Britannic Majesty in Europe, nor on the importation into His Britannic Majesty's dominions in Europe of any article the growth, produce, or manufacture, of the United States, than are or shall be payable on the like articles being of the growth, produce, or manufacture, of any other foreign country. Nor shall any higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States, or to His Britannic Majesty's dominions in Europe, respectively, than such as are payable on the exportation of the like articles to every other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce, or manufacture, of the United States, or of His Britannic Majesty's dominions in Europe, to or from the said States or the said dominions, which shall not equally extend to all other nations. No other or higher duties or charges shall be imposed, in any of the ports of the United States, on British vessels, (such only excepted as may be bound from or to British possessions to which vessels of the United States are not permanently admitted,) than shall be payable in the said ports by vessels of the United States; nor in the ports of any of his Britannic Majesty's dominions in Europe, on the vessels of the United States, than are or shall be payable in the said ports by British vessels. The same duties of exportation and importation, and also the same drawbacks and bounties, shall be respectively paid and allowed in either country on all articles the produce, growth, or manufacture, of the United States or of His Britannic Majesty's dominions in Europe, whether such exportation or importation be in vessels of the United States or in British vessels.

ART. 3. His Britannic Majesty agrees that the vessels of the United States shall be admitted, and hospitably received, in all the seaports and harbors of the British dominions in the East In-

dies; and that the citizens of the said States may freely carry on a trade with the said territories, in all articles of which the importation or exportation respectively to or from the said territories shall not be entirely prohibited: *Provided, only*, That it shall not be lawful for them, in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military or naval stores, or rice.

The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher duty or charge than shall be payable on British vessels in the ports of the United States; and they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen; or to some port or place, or ports or places in China, or in the Indian seas, whence the said vessels shall proceed, as aforesaid, to some port or place in America, and there unladen the whole of the articles exported, in the manner abovementioned, from the aforesaid British territories; and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories, without the special permission of the British Government there; but the vessels going from one port to another of the said territories, for the sole purposes either of discharging their original cargoes, or part thereof, or of completing their return cargoes, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the United States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgressions shall be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America, in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction, of whatsoever nature, established in such harbor, port, or place, according as the same may be. The vessels of the United States may also touch for refreshment at the island of St. Helena, or at such other ports or places as may be in the possession of Great

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Britain in the African or Indian seas, but subject in all respects to such regulations as the British Government may from time to time establish there.

ART. 4. The navigation of all the lakes, rivers, and water communications, the middle of which is the boundary between the United States and His Britannic Majesty's dominions on the continent of North America, shall, at all times, be free to the citizens of the United States and to His Majesty's subjects. The said citizens and subjects may freely carry on trade and commerce with each other, and, for that purpose, pass and re-pass by land or inland navigation, into the respective territories of the two parties on the said continent; and no higher or other tolls, or rates of ferrage, than what are or shall be payable by natives, shall be demanded on either side. All goods or merchandise, whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of the commerce above-mentioned, be carried into the same, in the manner aforesaid, by His Majesty's subjects; and such goods and merchandise shall be subject to no higher or other duties than would be payable by citizens of the United States, on the importation of the same in American vessels into the Atlantic ports of the said United States; and, in like manner, all goods and merchandise, whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce above-mentioned, be carried into the same, in the manner aforesaid, by the citizens of the United States; and such goods and merchandise shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. All goods not prohibited to be imported from the said territories, respectively, may, in like manner, be carried out of the same by the two parties. No duty of importation or exportation shall be levied by either party on peltries or furs which may be brought, in the manner aforesaid, by land or inland navigation, from the said territories of one party into the said territories of the other party.

ART. 5. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, and agents for the protection of seamen, to reside in the dominions and territories of the other party; and the said consuls and agents shall enjoy the liberties and rights which belong to them by reason of their functions. But before any consul or agent aforesaid shall act as such, he shall be, in the usual form, approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that, in case of illegal or improper conduct towards the laws or Government, a consul or agent aforesaid may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back; the offended Government assigning to the other the reasons for the same.

ART. 6. It being the intention of the high con-

tracting parties, that the people of their respective dominions shall be placed on the footing of the most favored nation, it is agreed, that in case either party shall hereafter grant any additional advantage in navigation or trade to any other nation, the citizens or subjects of the other party shall fully participate therein; freely, where it is freely granted to such other nation, or yielding the same compensation where the grant is made for some equivalent.

No. 2.

The British Plenipotentiaries to the American Plenipotentiaries.

BOARD OF TRADE, June 16, 1815.

The undersigned have the honor to transmit to the Plenipotentiaries of the United States a contre-projet for the arrangement of the commercial intercourse between the two countries. The American Plenipotentiaries will observe, that the article respecting the British East Indies is not proposed to be included in the body of the Treaty, but in a separate article, and more limited in point of duration, than would be suitable to the arrangements of the Treaty itself. The undersigned, nevertheless, flatter themselves that the American Plenipotentiaries will see in the proposed article for the East India intercourse, a proof of the liberal and conciliatory disposition with which the British Government is disposed to act upon the subject.

It will be recollected that at one of the unofficial conferences, and, subsequently, at the first official conference held with the American Plenipotentiaries, the undersigned stated, by order of their Government, that if the power of going from the United States to the British dominions in the East Indies by an indirect course were conceded, Great Britain must be considered as entitled to some equivalent for the concession, and that the fur trade was pointed out by the undersigned as capable of furnishing that equivalent.

The American Plenipotentiaries having stated that their instructions did not permit them to grant, by stipulation, any commercial intercourse between His Majesty's subjects and the Indians residing within the acknowledged boundaries of the United States, and not having suggested any other means of finding an equivalent, the undersigned would have been fully justified in tendering a contre-projet which wholly omitted the concession in question. But His Majesty's Government, anxious to renew the commercial relations of the two countries, in the true spirit of peace and harmony, has authorized the undersigned to offer a separate article, by which the indirect voyage from the United States to the British East Indies will be permitted, without equivalent, for the space of two years, in the confident hope that, during that period, the American Government will be enabled to propose such an equivalent as may induce Great Britain to make that permission commensurate with the general duration of the treaty.

The undersigned will be happy to have the

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honor of seeing the American Plenipotentiaries on any day which may suit their convenience, and request them to accept the assurance of their high consideration.

**F. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.**

Contre-projet of the British Commissioners.

ARTICLE 1. There shall be, between all the territories of His Britannic Majesty in Europe, and the territories of the United States of America, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty fully and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid, to which other foreigners are permitted to come; to enter into the same, and remain and reside in any parts of the said territories, respectively; also to hire and occupy warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

ART. 2. No other or higher duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe, of any articles the growth, produce, or manufacture of the United States; and no other or higher duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of his Britannic Majesty's territories in Europe, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in either of the two countries on the exportation of any articles to His Britannic Majesty's territories in Europe, or to the United States, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any article the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, or of the United States, to or from the said territories of His Britannic Majesty in Europe, or to or from the said United States, which shall not extend to all other nations. No other or higher duties or charges shall be imposed in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States, than shall be payable on British vessels; nor in any of the ports of the United States on British vessels, than those payable in the same ports by vessels of the United States.

ART. 3. The navigation of all lakes, rivers, and water communications, the middle of which is or may be the boundary between His Britannic Majesty's territories on the continent of North America, and the United States, shall, with the exceptions hereinafter mentioned, at all times be free to His Majesty's subjects and the citizens of the

United States. The inhabitants of His Britannic Majesty's territories in North America, and the citizens and subjects of the United States, may freely carry on trade and commerce by land or inland navigation, as aforesaid, with goods and merchandise the growth, produce, or manufacture of the British territories in Europe or North America, or of the United States, respectively, within the territories of the two parties, respectively, on the said continent, (the country within the limits of the Hudson's Bay Company only excepted;) and no other or higher duties or tolls, or rates of ferriage, or portage, than what are or shall be payable by natives, respectively, shall be taken or demanded on either side. All goods or merchandise, whose importation into the United States shall not be wholly prohibited, may fully, for the purposes of the commerce abovementioned, be carried into the said United States, in the manner aforesaid, by His Britannic Majesty's subjects; and the said goods and merchandise shall be subject to no higher or other duties than would be payable by citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the United States. And, in like manner, all goods and merchandise the growth, produce, or manufacture of the United States, whose importation into His Majesty's said territories in America shall not be entirely prohibited, may fully, for the purposes of the commerce abovementioned, be carried into the same by land, or by means of such lakes, rivers, and water communications as abovementioned, by the citizens of the United States; and such goods and merchandise shall be subject to no other or higher duty than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. No duty shall be levied by either party on peltries or furs which may be brought in the manner aforesaid by land or inland navigation, from the said territories of the other; but tolls, or rates of ferriage, or portage, may be demanded and taken in manner abovementioned on such peltries or furs.

It is hereby declared, that nothing in this article contained, as to the navigation of rivers, lakes, or water communications, shall extend to give a right of navigation upon or within the same, in those parts where the middle is not the boundary between His Britannic Majesty's territories and the United States of America.

ART. 4. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but, before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent. And it is hereby declared that, in case of illegal or improper conduct towards the laws or Government of the country to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended Government assigning to the other the reasons for the same.

It is hereby declared, that either of the contracting parties may except from the residence of

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consuls, such particular places as such party shall judge proper to be so excepted.

ART. 5. It being the intention of the contracting parties that the inhabitants of His Britannic Majesty's territories in Europe, and the inhabitants of the United States, shall, in respect to commerce between the said territories, be placed on the footing of the most favored nations, it is agreed, that in case either of the contracting parties shall hereafter grant any additional advantages in commerce or navigation to any European nation as to the importation or exportation to or from such other European nation and His Britannic Majesty's territories in Europe, or to or from such European nation and the territories of the United States; the citizens and subjects of the other contracting party shall likewise enjoy the same, freely, where it has been freely granted to such other European nation; and, where conditionally granted, on the same terms and conditions on which such advantage shall have been granted, or on terms and conditions which may be afterwards agreed upon as equivalent thereto by the contracting parties.

FIRST SEPARATE ARTICLE.

His Britannic Majesty agrees that the vessels of the United States shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, *videlicet*, Calcutta, Madras, Bombay, and the Prince of Wales's island; and that the citizens of the said United States may fully carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited: *Provided, only*, That it shall not be lawful for them, in any time of war between the British Government and any Power or State whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no other or higher duty or charge than shall be payable on the vessels of the most favored European nations; and they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favored European nation.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said prin-

cipal settlements to another, shall not be considered as carrying on the coasting trade.

The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, at the Cape of Good Hope, the island of St. Helena, or such other places as may be in the possession of Great Britain in the African or Indian seas; it being well understood that, in all that regards this article, the citizens of the United States shall be subject in all respects to the laws and regulations of the British Government from time to time established.

SECOND SEPARATE ARTICLE.

It is hereby agreed and declared, that the first separate article of the present treaty shall be limited in its duration to the period of two years from the date of the exchange of the ratifications of the said treaty.

No. 3.

The American to the British Plenipotentiaries.

HARLEY STREET, June 17, 1815.

The undersigned have the honor to acknowledge the receipt of the note of His Britannic Majesty's Plenipotentiaries of the 16th instant, enclosing their contre-projet for the arrangement of the commercial intercourse between the two countries.

Anxious to ascertain, with as little delay as possible, whether there be any probability that such an arrangement can now be concluded as shall be satisfactory to both parties, the undersigned will not at this time enter into a discussion of the subject, and, leaving minor points for subsequent consideration, will only propose the following alterations in the contre-projet of His Britannic Majesty's Plenipotentiaries, viz:

ART. 2.—1st. To reinstate the clause in the projet of the undersigned which provided that the same duties, drawbacks, and bounties should be paid and allowed in either country, on the importation or exportation of articles the produce, growth, or manufacture of His Britannic Majesty's territories in Europe, or of the United States.

2d. To reinstate the clause in the projet of the undersigned which excepted from the provision to equalize tonnage duties British vessels bound to or from British possessions to which vessels of the United States were not permanently admitted; or to introduce a new article, providing that neither the intercourse between the United States and His Britannic Majesty's possessions in the West Indies, nor that by sea between the said States and His Britannic Majesty's possessions in North America, shall be affected by any article in the treaty, but that each party shall remain in the complete possession of its rights, in respect to such an intercourse.

ART. 3. To reinstate, in substance, the article proposed on that subject by the undersigned, so that the commerce by land or inland navigation, sanctioned by the article, be confined to that which may be carried on between the citizens of

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the United States and His Britannic Majesty's subjects; and so as not to preclude the citizens of the United States from carrying articles of the growth, produce, or manufacture of the said States down the river St. Lawrence; as far at least as Montreal, and down the waters of Lake Champlain, as far at least as the St. Lawrence; or, if no satisfactory arrangement can at present be formed on this subject, to omit the article altogether.

ART. 5. To place, generally, each nation on the footing of the most favored nation, without restricting that privilege, as relates to the citizens of the United States, to the commerce with His Britannic Majesty's territories in Europe.

Second separate article to be omitted.

The undersigned will have the honor to wait on His Britannic Majesty's Plenipotentiaries on Monday, the 19th instant, at two o'clock, at the Office of Trade, when the undersigned hope they will be able to communicate to them their final determination on the proposed alterations.

The undersigned request His Britannic Majesty's Plenipotentiaries to accept the assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN.

The Right Hon. F. J. ROBINSON, H. GOULBURN, and Dr. WILLIAM ADAMS.

No. 4.

The British to the American Plenipotentiaries.

BOARD OF TRADE, June 20, 1815.

In compliance with the request of the American Plenipotentiaries, the undersigned have the honor to communicate to them, in writing, the substance of the observations which were made on the part of the British Plenipotentiaries, in the conference of yesterday, upon the different points referred to in the note of the American Plenipotentiaries of the 17th instant.

Upon the first point, relating to a part of the second article of the contre-projet of the undersigned, the British Plenipotentiaries stated it to be the intention of their Government to agree not only to a mutual equalization of such duties as may be properly called tonnage duties, but also of all duties upon the importation of goods the growth, produce, or manufacture of the two countries, respectively, whether imported in British or in American ships; they stated, further, their readiness to accede to a similar and mutual equalization of bounties payable upon the above articles. Upon the subject of drawbacks, they represented that the clause, as proposed by the American Plenipotentiaries, appeared to give to the vessels of the United States which might be engaged in the general re-exportation of American produce from this country to all other parts of the world an advantage equal to that enjoyed by British ships; and that this privilege went beyond the general principle of an article which was confined to the trade between the two countries, respectively. They expressed a wish to

receive from the American Plenipotentiaries a more precise explanation of their views upon this point.

Upon the second point referred to in the note of the American Plenipotentiaries, the undersigned expressed their readiness to agree to a clause which should contain the latter alternative suggested by the American Plenipotentiaries.

Upon the third article, relating to the intercourse between Canada and the United States, the undersigned disclaimed any intention of obtaining, by any interpretation of the words of the article as they had proposed it, a right to an intercourse with the Indians residing within the acknowledged limits of the United States, which the American Plenipotentiaries had already stated that their instructions forbade them to concede. And they expressed their readiness to agree to the insertion of such words as would clear up any doubt which might exist upon the subject.

As to the navigation of the river St. Lawrence as far as Montreal, and that of the waters flowing from Lake Champlain to that river, the undersigned stated themselves not to be authorized to stipulate the concession of that indulgence in the way proposed by the American Plenipotentiaries. The undersigned likewise stated their objections to extending Article 5 beyond the intercourse between the United States and His Britannic Majesty's dominions in Europe.

In regard to the two separate articles of the contre-projet, the undersigned stated that they had no authority to grant the first, unless accompanied by a limitation in point of time; and when the American Plenipotentiaries proposed, as a substitute for that article, one which should give the United States the same privileges as the most favored European nations in their intercourse with the British possessions in that quarter, the undersigned, while they admitted that, in some respects, it stood upon different grounds from an article which should grant the indirect voyage to the East Indies, without any equivalent or limitation in point of time, did not feel themselves authorized to hold out any expectation that this new suggestion could be acceded to by Great Britain.

The undersigned request the American Plenipotentiaries to accept the assurances of their high consideration.

F. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 5.

Second sketch of article for equalizing duties.

The same duties shall be paid on the importation into the ports of any of His Britannic Majesty's territories in Europe of any articles the growth, produce, or manufacture of the United States, and the same drawbacks shall be allowed on the re-exportation thereof, whether such importation shall be in vessels of the United States or in British vessels; and the same duties shall be paid on the importation into the United States

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of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, and the same drawbacks shall be allowed on the re-exportation thereof, whether such importation shall be in vessels of the United States or in British vessels. The same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of the United States to His Britannic Majesty's territories in Europe, whether such exportation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States or in British vessels.

No. 6.

The American to the British Plenipotentiaries.

HARLEY STREET, June 21, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the British Plenipotentiaries dated the 20th instant, communicating the substance of the observations which they had made in the conference of the 19th, upon the different points referred to in the note of the undersigned of the 17th instant.

The views of the undersigned, with respect to the second article, being precisely the same with those stated by the British Plenipotentiaries, there will be no difficulty in framing a clause embracing the objects contemplated by both parties, and which shall be free from ambiguity.

The explanation given by the British Plenipotentiaries upon that part of the third article which the undersigned apprehended might be liable to a construction, in reference to the Indian trade, not intended by either party, is perfectly satisfactory. But they regret that they cannot accede to the alterations proposed in other respects by the British Plenipotentiaries to the article which had been offered by the undersigned, particularly as they affect the privilege of inland navigation by the river St. Lawrence and by the waters flowing from Lake Champlain; nor have they found it practicable to frame any article compatible with the different views entertained by the two parties respecting the intercourse between the United States and Canada. They, therefore, recur to the proposal made in their note of the 17th instant, to omit that article altogether, that proposal not having been noticed in the note of the British Plenipotentiaries of the 20th instant.

They make the same offer as to the fifth article of the contre-projet.

And, thirdly, they hereby renew the proposal made verbally in the conference of the 19th inst., to substitute, for the two separate articles, one placing the United States, in their intercourse with the British possessions in India, on the footing of the most favored European nation.

The undersigned request to be made acquainted

with the determination of the British Plenipotentiaries on those three propositions.

The undersigned tender again to the British Plenipotentiaries assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN.

The Right Hon. F. ROBINSON, H. GOULBURN,
and Dr. WILLIAM ADAMS.

No. 7.

The British to the American Plenipotentiaries.

BOARD OF TRADE, June 23, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the American Plenipotentiaries of the 21st instant, and are happy to find that no difficulty exists on either side as to the second article. Upon the subject of the third article, the undersigned regret to learn that the American Plenipotentiaries have not found it practicable to frame any article compatible with the different views entertained by the two parties respecting the intercourse between Canada and the United States; and as the undersigned are equally unable to accede to the proposition made on the part of the United States respecting the navigation of waters lying exclusively within the territories of His Britannic Majesty, they accede to the proposal of omitting the article altogether. They have also no objection to the omission of the fifth article.

In regard to the trade with the British East Indies, the undersigned are not authorized to substitute, for the two separate articles which they had proposed, one which shall put the intercourse of the United States in that quarter upon the footing of the most favored European nation, inasmuch as it would have the practical effect of granting, in another shape, that which the undersigned are instructed to withhold, unless accompanied by a greater limitation of time than they would think it expedient to apply to the other arrangements of the treaty. If, however, the American Plenipotentiaries adhere to their objection to the substance of the two separate articles, as proposed on the part of Great Britain, the undersigned are ready to omit altogether any article upon the subject of the East Indies.

The undersigned are nevertheless disposed to consider the arrangements of the second article (as agreed upon, or understood,) to be of sufficient importance to the mutual interests of Great Britain and the United States, particularly in the common object of securing a free commercial intercourse between the two countries, to induce them readily to sign a treaty or convention for that single purpose, independent of the other points to which the negotiation has referred.

The undersigned are happy, upon this occasion, to renew to the American Plenipotentiaries the assurances of their high consideration.

F. J. ROBINSON.
WILLIAM ADAMS.

To the AMERICAN PLENIPOTENTIARIES.

Commercial Convention with Great Britain.

No. 8.

The American to the British Plenipotentiaries.

HARLEY STREET, June 24, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the British Plenipotentiaries of the 23d instant, expressing their assent to the proposal of omitting the third and fifth articles of the *contre-projet*. To the proposal of omitting, also, altogether, any article upon the subject of the East Indies, and of signing an arrangement embracing all the provisions contained in the second article, the undersigned do not feel themselves authorized to accede. But they offer to sign a convention embracing that article entire, and the first separate article, the whole of which convention shall be limited to the term of four years from the date of the exchange of the ratifications; or they will agree to a convention for the sole purpose of abolishing all discriminating duties on American and British vessels, and their cargoes, in the intercourse between the United States and His Britannic Majesty's territories in Europe, in the manner contemplated by the second article, and as explained and mutually agreed on in the conferences on that subject, omitting all the other provisions contained in the same article, and which had for object to place the two countries, respectively, on the footing of the most favored nation.

The undersigned request the British Plenipotentiaries to accept the assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN.

The Right Hon. F. J. ROBINSON, H. GOULBURN, and Dr. WILLIAM ADAMS.

No 9.

The British to the American Plenipotentiaries.

BOARD OF TRADE, June 26, 1815.

The undersigned have the honor to acknowledge the receipt of the note of the American Plenipotentiaries of the 24th instant, in which they offer to sign a convention embracing the second article entire, and the first separate article, the whole convention to be limited to the term of four years from the date of the exchange of the ratifications; or to agree to a convention for the sole purpose of abolishing all discriminating duties on American and British vessels, and their cargoes, in the intercourse between the United States and the British territories in Europe, omitting all the other provisions contained in the same article, and which had for object to place the two countries, respectively on the footing of the most favored nation.

As neither of these proposals were contemplated in the instructions with which the undersigned were originally furnished, and which were framed with a view to a less limited arrangement, they have felt themselves under the necessity of referring the last note of the American Plenipotentiaries to the consideration of their Government,

and will not fail to communicate the result of that reference as soon as they shall be enabled to do so.

The undersigned are happy to avail themselves of this opportunity of renewing to the American Plenipotentiaries the assurances of their high consideration.

F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 10.

The British to the American Plenipotentiaries.

BOARD OF TRADE, June 29, 1815.

In reference to the note which the undersigned had the honor to address to the American Plenipotentiaries on the 26th instant, they are now instructed to acquaint them that the British Government is ready to agree to a convention for four years, (to be calculated from the date of its signature,) which shall contain the whole of the second article, as proposed by the undersigned, and as explained and mutually agreed upon in their several conferences; and also the first article, relating to the East Indies, as proposed on the part of Great Britain, (the latter article also to be in force for four years from the same date.) The undersigned, in making this communication to the American Plenipotentiaries, feel it to be their duty to state, in the most explicit manner, that although, in the earnest desire of promoting a good understanding between the two countries, the British Government has, at the present time, forborne to insist on making in the body of the treaty any marked distinction between its concession in regard to the East Indies, and its other concessions, for which a stipulated equivalent is obtained, yet that it still considers itself as granting to the United States a privilege, to the East Indies, for which it is entitled to require an equivalent; and the undersigned must, therefore, be distinctly understood as reserving to His Majesty's Government, in any future negotiations, the clear right either of withholding this privilege altogether, after the expiration of four years, or of renewing the grant of it for such equivalents, or subject to such modification, as expediency may seem to require at the time of such future negotiation.

The undersigned request to have the honor of seeing the American Plenipotentiaries on Friday next, the 30th instant, at two o'clock, at the Board of Trade; and avail themselves of this opportunity of again offering the assurances of their high consideration.

F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 11.

The American to the British Plenipotentiaries.

HARLEY STREET, June 30, 1815.

The undersigned have had the honor to receive the note of the British Plenipotentiaries, dated

Massacre at Dartmoor Prison.

the 29th instant, and stating the terms on which their Government is ready to agree to a convention on the subject of the commercial intercourse between the United States and Great Britain.

The undersigned have already, in the conferences which they had the honor to hold with the British Plenipotentiaries, expressed their opinion that the proposed convention, taken altogether, was founded on principles of reciprocity, was equally advantageous to both parties, and contained in itself a fair equivalent for every presumed concession made by either party; but both Governments will undoubtedly have a clear right, after the expiration of four years, of refusing to renew, or of subjecting to modifications, any of the stipulations now agreed on which may appear to either party injurious, or requiring some further equivalent. The same earnest desire of promoting a good understanding between the two countries, which has been expressed on the part of Great Britain, has induced the undersigned to agree to a convention more limited both as to its objects and duration than they had contemplated, with a hope that, in the mean time, its deficiencies may be supplied, and such other provisions may be adopted, as will conduce to mutual convenience, and tend to strengthen the relations of amity and friendship happily restored between the two countries.

The undersigned will have the honor to meet the British Plenipotentiaries this day, and feel pleasure in renewing the assurances of their high consideration.

JOHN QUINCY ADAMS,
H. CLAY,
ALBERT GALLATIN.

The Right Hon. F. J. ROBINSON, H. GOULD-
BURN, Esq., and Dr. W. ADAMS.

The undersigned, His Britannic Majesty's Chargé des Affaires in the United States, has the honor to acquaint the American Secretary of State, for the information of the President, that he has received His Royal Highness the Prince Regent's ratification, in the name and on the behalf of His Majesty, of the commercial Convention between the two countries, signed at London on the 2d of July; and that he has been authorized and is ready to proceed to the exchange, whenever the ratification on the part of the United States shall have taken place.

In communicating this intelligence, the undersigned has received the Prince Regent's commands, at the same time, to transmit to the Government of the United States the accompanying declaration, explanatory of the intentions of His Majesty's Government in so far as regards the intercourse of vessels belonging to the United States with the island of St. Helena; the existing circumstances of the world having rendered it necessary that that island should, for the present, be excepted from the ports of refreshment enumerated in the third article of the said convention.

The undersigned avails himself of this opportunity of requesting the American Secretary of

State to accept the assurance of his high consideration.

A. ST. JOHN BAKER.

DECLARATION.

The undersigned, His Britannic Majesty's Chargé des Affaires in the United States of America, is commanded by His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London on the 3d of July of the present year, for regulating the commerce and navigation between the two countries, that, in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied Sovereigns, that St. Helena shall be the place allotted for the future residence of General Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person; and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India Company, shall be excluded from all communication with or approach to that island.

It has, therefore, become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena; and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding that the vessels of the United States cannot be allowed to touch at or hold any communication whatever with the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.

A. ST. JOHN BAKER.

WASHINGTON, November 24, 1815.

MASSACRE AT DARTMOOR PRISON.

[Communicated to the House, January 31, 1816.]

To the House of Representatives:

I transmit a report of the Secretary of State, complying with a resolution of the 4th instant.

JAMES MADISON.

WASHINGTON, Jan. 31, 1816.

DEPARTMENT OF STATE, Jan. 31, 1816.

The resolution of the House of Representatives of the 4th instant, requesting the President to cause to be laid before the House (if in his opinion it will not be inconsistent with the public welfare) any authentic information he may have received, or communications which may have passed between this Government and the Government of Great Britain, in relation to the transactions at Dartmoor prison, in the month of April last, as far as the American prisoners of war there confined were affected by such transactions, hav-

Massacre at Dartmoor Prison.

ing been referred to the Secretary of State, he has the honor to submit to the President the accompanying papers, marked A, B, and C, as containing all the information in this Department called for by the resolution, or immediately connected with it.

All which is respectfully submitted.

JAMES MONROE.

List of papers in packet marked A.

Extract of a minute of a conversation which took place at Lord Castlereagh's, between his lordship and Messrs. Clay and Gallatin, on the 16th of April, 1815.

Extract of a letter from Messrs. Clay and Gallatin to Mr. Beasley, dated the 18th of April, 1815.

Letter of Mr. Charles King to Mr. Adams, dated Plymouth, 26th April, 1815.

Report of Messrs. Larpent and King, upon the occurrence at Dartmoor prison, dated 25th of April, 1815.

Letter of Lord Castlereagh to Messrs. Clay and Gallatin, dated 22d of May, 1815.

Letters of Messrs. Clay and Gallatin to Lord Castlereagh, dated 24th of May, 1815.

Extract of a letter from Mr. Adams to the Secretary of State, dated 23d of June, 1815.

Letter of Mr. Baker, His Britannic Majesty's Chargé des Affaires, to the Secretary of State, dated August 3, 1815.

Letter of the Secretary of State to Mr. Baker, dated December 11, 1815.

A.

Extract of a minute of a conversation which took place at Lord Castlereagh's, between his Lordship and Messrs. Clay and Gallatin, on the 16th of April, 1815.

Lord Castlereagh began by adverting to the unfortunate event which had taken place at Dartmoor, and proposed that, as a statement of the transaction had been received from the American prisoners differing very materially in fact from an inquiry instituted by the port admiral, some means should be devised of procuring information as to the real state of the case; in order either, on the one hand, to satisfy the United States that the lives of their citizens, however unfortunately, had not been wantonly sacrificed, or, on the other, to enable the British Government to punish their civil and military officers, if they should be found to have resorted to measures of extreme severity without necessity, or with too much precipitation. He therefore proposed that one of the American Commissioners should proceed to Dartmoor, with one of the gentlemen with whom they had negotiated at Ghent, and, after examining the persons concerned, and such other evidence as might be thought necessary, should make a joint report upon the facts of the case; and as neither Government could have any wish beyond that of clearing up a transaction which might, if left unexplained, as it now stood, upon *ex parte* statements, create much irritation between the two countries, so the

British Government had no desire to screen any person whose conduct might have been improper or precipitate.

The American Commissioners, agreeing to the principles of Lord Castlereagh's proposition, so far as related to the advantage of having a joint report upon the facts of the case, entertained doubts whether they could, with propriety, take such a duty upon themselves; and suggested that Mr. Beasley, from the situation which he held in this country, appeared to them better qualified for the task. Lord Castlereagh replied, that it was only from a desire of giving to any report which might be made the sanction of the highest authority, that he had suggested the employment of the Commissioners themselves; and, deeming it of the most essential importance to satisfy the public in both countries on this subject, he was induced to prefer his original proposition; but that he must, of course, leave it to the American Commissioners to decide whether Mr. Beasley was better fitted for this service; and that, upon receiving the result of their consideration of the subject, the Government would appoint some person properly qualified to meet the American gentleman who might be so selected; such person being either one of the late British Commissioners at Ghent, or a commissioner of the transport board, according as the American Commissioners might decide upon going themselves or sending Mr. Beasley. Lord Castlereagh then entered upon the immediate release of the American prisoners of war detained in this country. After stating the inconvenience of retaining in confinement men who had a right, under a treaty of peace, to be liberated, he requested information as to whether Mr. Beasley was proceeding in the measures which he understood to have been taken for conveying them back to America.

The American Commissioners stated that Mr. Beasley had certainly taken up some transports, on his own responsibility, previous to the receipt of instructions from America; but the American Government considered the restoration of prisoners to imply their reconveyance to their own country by the Power detaining them; and the American Commissioners did not know whether Mr. Beasley had either authority or funds for continuing the service which he had, on his own view of the subject, commenced.

Lord Castlereagh stated that he saw no objection to adopting some such measure as that which had been adopted in America, and proposed that each party should defray half the expense of conveying the prisoners from this country to America, leaving the ultimate construction of the treaty for future arrangements. But he remarked, that the article on which the doubt had arisen being founded on principles of perfect reciprocity, it appeared to him scarcely consonant with those principles, that the only expense to be defrayed by the United States should be that of conveying the British prisoners from the United States to Bermuda or Halifax, while Great Britain should have not only to convey to America the American prisoners now in this country, but also to

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bring home from colonies nearly as distant as the United States all her own prisoners.

Extract of a letter from H. Clay and Albert Gallatin, Esquires, to Mr. Beasley.

LONDON, April 18, 1815.

At the request of Lord Castlereagh, we have had interviews with him and Mr. Goulburn, on the subjects of the transportation of the American prisoners now in this country to the United States, and of the late unfortunate event at the depot at Dartmoor.

On the latter subject, as a statement of the transaction has been received from the American prisoners differing very materially in fact from that which had resulted from an inquiry instituted by the port admiral, it has been thought advisable that some means should be devised of procuring information as to the real state of the case, in order, on the one hand, to show that there had not been any wanton or improper sacrifice of the lives of American citizens, or, on the other, to enable the British Government to punish their civil and military officers, if it should appear that they have resorted to measures of extreme severity, without necessity, or with too much precipitation.

Lord Castlereagh proposed that the inquiry should be a joint one, conducted by a commissioner selected by each Government; and we have thought such an inquiry most likely to produce an impartial and satisfactory result.

We presume that you will have too much occupation on the first subject, and the other incidental duties of your office, to attend to this inquiry in person. On that supposition, we have stated to the British Government that we should recommend to you the selection of Charles King, Esq., as a fit person to conduct it in behalf of the American Government. If Mr. King will undertake the business, he will forthwith proceed to Dartmoor, and, in conjunction with the British Commissioner, who may be appointed on the occasion, will examine the persons concerned, and such other evidence as may be thought necessary, and make a joint report upon the facts of the case to J. Q. Adams, Esq., Minister Plenipotentiary of the United States at this Court, and to the British Government.

The mode of executing this service must be left to the discretion of Mr. King and his colleague. If they can agree upon a narration of the facts, after having heard the evidence, it will be better than reporting the whole mass of testimony in detail, which they may, perhaps, find it necessary to do, if they cannot come to such an agreement.

We are, &c.

H. CLAY.

ALBERT GALLATIN.

R. G. BEASLEY, Esq., &c.

Mr. Charles King to Mr. Adams.

PLYMOUTH, April 26, 1815.

SIR: In pursuance of instructions received from Messrs. Clay and Gallatin, I have the honor

to transmit to you the report prepared by Mr. Larpent and myself, on behalf of our respective Governments, in relation to the unfortunate transaction at Dartmoor prison of war, on the 6th of the present month. Considering it of much importance that the report, whatever it might be, should go forth under our joint signatures, I have forborne to press some of the points which it involves as far as otherwise I might have done; and it therefore may not be improper, in this letter, to enter into some little explanation of such parts of the report. Although it does appear that a part of the prisoners were, on that evening, in such a state and under such circumstances as to have justified, in the view which the commander of the depot could not but take of it, the intervention of the military force, and even in a strict sense the first use of fire-arms, yet I cannot but express it as my settled opinion, that, by a conduct a little more temporising, this dreadful alternative of firing upon the unarmed prisoners might have been avoided. Yet, as this opinion has been the result of subsequent examination, and after having acquired a knowledge of the comparatively harmless state of the prisoners, it may be but fair to consider whether, in such a moment of confusion and alarm as that appears to have been, the officer commanding could have fairly estimated his danger, or have measured out with precision the extent and nature of the force necessary to guard against it. But when the firing became general, as it afterwards appears to have done, and caught with electric rapidity from the square to the platforms, there is no plea nor shadow of excuse for it, except in the personal exasperation of the soldiery; nor for the more deliberate (and, therefore, more unjustifiable) firing which took place into three of the prisons, Nos. 1, 3, and 4, but more particularly into No. 3, after the prisoners had retired into them, and there was no longer any pretence of apprehension as to their escape. Upon this ground, as you, sir, will perceive by the report, Mr. Larpent and myself had no difference in opinion; and I am fully persuaded that my own regret was not greater than his, at perceiving how hopeless would be the attempt to trace to any individual of the military those outrageous proceedings.

As to whether the order to fire came from Captain Shortland, I yet confess myself unable to form any satisfactory opinion, though, perhaps, the bias of my mind is that he did give such an order. But his anxiety and exertions to stop it, after it had continued some little time, are fully proved; and his general conduct, previous to this occurrence, as far as he could with any propriety enter into such details, appears to have been characterized by great fairness, and even kindness, in the relation which he stood towards the prisoners.

On the subject of any complaints existing against their own Government by the prisoners, it was invariably answered, to several distinct questions put by me on that head, that none whatsoever existed, or had been expressed by them, although they confessed themselves to entertain some animosity against Mr. Beasley, to whom

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they attribute their detention in this country ; with what justice, you, sir, will be better able to judge. They made no complaint whatsoever as to their provisions, and general mode of living and treatment in the prison.

I have transmitted to Mr. Beasley a list of the killed and wounded on this melancholy occasion, with a request that he would forward it to the United States for the information of their friends at home ; and I am pleased to have it in my power to say that the wounded are, for the most part, doing well.

I have also enclosed to Mr. Beasley the notes taken by me of the evidence adduced before us, with a request that he would have them fairly copied, as also a copy of the depositions taken before the coroner, and desired him to submit them to you when in order.

I cannot conclude, sir, without expressing my high sense of the impartiality and manly fairness with which this inquiry has been conducted on the part of Mr. Larpent, nor without mentioning that every facility was afforded to us in its prosecution, as well by the military officers commanding here and at the prison, as by the magistrates of the vicinity. I have the honor to be, sir, &c.

CHARLES KING.

To his Excellency J. Q. ADAMS, &c.

Report of Messrs. Larpent and King upon the occurrence at Dartmoor Prison.

PLYMOUTH, April 26, 1815.

We, the undersigned Commissioners, appointed on behalf of our respective Governments to inquire into and report upon the unfortunate occurrence of the 6th of April instant, at Dartmoor prison, having carefully perused the proceedings of the several courts of inquiry instituted immediately after that event, by the orders of Admiral Sir John T. Duckworth and Major General Brown, respectively, as well as the depositions taken at the coroner's inquest, upon the bodies of the prisoners who lost their lives upon that melancholy occasion ; upon which inquest the jury found a verdict of "justifiable homicide," proceeded immediately to the examination, upon oath, in the presence of one or more of the magistrates of the vicinity, of all the witnesses, both American and English, who offered themselves for the purpose, or who could be discovered as likely to afford any material information on the subject, as well those who had been previously examined before the coroner as otherwise, to the number, in the whole, of above eighty. We further proceeded to a minute examination of the prison, for the purpose of clearing up some points which, upon the evidence alone were scarcely intelligible ; obtaining from the prisoners, and from the officers of the depot, all the necessary assistance and explanation ; and premising that we have been, from necessity, compelled to draw many of our conclusions from statements and evidence highly contradictory. We do now make, upon the whole of the proceedings, the following report :

During the period which has elapsed since the arrival in this country of the account of the ratification of the Treaty of Ghent, an increased degree of restlessness and impatience of confinement appears to have prevailed amongst the American prisoners at Dartmoor, which, though not exhibited in the shape of any violent excesses, has been principally indicated by threats of breaking out, if not soon released. On the 4th of this month, in particular, only two days previous to the event the subject of this inquiry, a large body of the prisoners rushed into the market square, from whence by the regulations of the prison they are excluded, demanding bread instead of biscuit, which had on that day been issued by the officers of the depot. Their demand, however, having been then almost immediately complied with, they returned to their own yards ; and the employment of force, on that occasion, became unnecessary.

On the evening of the 6th, about six o'clock, it was clearly proved to us that a breach or hole had been made in one of the prison walls, sufficient for a full-sized man to pass, and that others had been commenced in the course of the day, near the spot, though never completed ; that a number of the prisoners were over the railing, erected to prevent them from communicating with the sentinels on the walls, which was of course forbidden by the regulations of the prison ; and that, in the space between the railing and those walls, they were tearing up pieces of turf, and wantonly pelting each other in a noisy and disorderly manner ; that a much more considerable number of the prisoners were collected together at that time in one of their yards, near the place where the breach was effected ; and that, although such collection of prisoners was not unusual at other times, (the gambling tables being commonly kept in that part of the yard,) yet, when connected with the circumstances of the breach, and the time of the day, which was after the horn (the signal for the prisoners to retire to their respective prisons) had ceased to sound, it became a natural and just ground of alarm to those who had charge of the depot.

It was also in evidence that, in the building formerly the petty officers' prison, but now the guard barrack, which stands in the yard, to which the hole in the wall would serve as a communication, a part of the arms of the guard who were off duty were usually kept in the racks ; and though there was no evidence that this was, in any respect, the motive which induced the prisoners to make the opening in the wall, or even that they were ever acquainted with the fact, it naturally became at least a further cause for suspicion and alarm, and an additional reason for precaution.

Upon these grounds, Captain Shortland appears to us to have been justified in giving the order (which about this time he seems to have given) to sound the alarm-bell, the usual signal for collecting the officers of the depot, and putting the military on the alert. However reasonable and justifiable this was as a measure of precaution,

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the effects produced thereby in the prisons (but which could not have been intended) were most unfortunate, and deeply to be regretted. A considerable number of prisoners in the yards where no disturbance existed before, and who were either already within their respective prisons, or quietly retiring as usual towards them, immediately upon sound of the bell rushed back from curiosity, as it appears, towards the gates where, by that time, the crowd had assembled; and many who were at the time absent from their yards, were also, from the plan of the prison, compelled, in order to reach their own homes, to pass by the same spot. And thus, that which was merely a measure of precaution, in its operation increased the evil it was intended to prevent.

Almost at the same instant that the alarm-bell rang, (but whether before or subsequent is, upon the evidence, doubtful, though Captain Shortland states it as one of his further reasons for causing it to ring,) some one or more of the prisoners broke the iron chain which was the only fastening of No. 1 gate, leading into the market square, by means of an iron bar; and a very considerable number of the prisoners immediately rushed towards that gate, and many of them began to press forward, as fast as the opening would permit, into the square.

There was no direct proof before us of previous concert or preparation on the part of the prisoners, and no evidence of their intention or disposition to effect their escape on this occasion, excepting that which arose by inference from the whole of the above detailed circumstances connected together.

The natural and almost irresistible inference to be drawn, however, from the conduct of the prisoners, by Captain Shortland and the military was, that an intention on the part of the prisoners to escape was on the point of being carried into execution, and it was at least certain that they were, by force, passing beyond the limits prescribed to them, at a time when they ought to have been quietly going in for the night.

It was also in evidence that the outer gates of the market square were usually opened about this time to let the bread-wagon pass and repass to the store, although, at the period in question, they were in fact closed.

Under these circumstances, and with these impressions necessarily operating upon his mind, and the knowledge that, if the prisoners once penetrated through the square, the power of escape was almost to a certainty afforded to them, if they should be so disposed, Captain Shortland, in the first instance, proceeded down the square, towards the prisoners, having ordered a part of the different guards, to the number of about fifty only at first, (though they were increased afterwards,) to follow him. For some time both he and Doctor Magrath endeavored, by quiet means and persuasion, to induce the prisoners to retire to their own yards, explaining to them the fatal consequences which must ensue if they refused, as the military would, in that case, be necessarily compelled to employ force. The guard was, by

this time, formed in the rear of Captain Shortland, about two-thirds of the way down the square: the latter is about one hundred feet broad, and the guards extended nearly all across. Captain Shortland, finding that persuasion was in vain, and that, although some were induced by it to make an effort to retire, others pressed on in considerable numbers, at last ordered about fifteen file of the guard, nearly in front of the gate which had been forced, to charge the prisoners back to their own yards.

The prisoners were in some places so near the military that one of the soldiers states he could not come fairly to the charge, and the military were unwilling to act as against an enemy. Some of the prisoners, also, were unwilling and reluctant to retire, and some pushing and struggling ensued between the parties, arising partly from intention, but mainly from the pressure of those behind preventing those in front from getting back. After some little time, however, this charge appears to have been so far effective, and that with little or no injury to the prisoners, as to have driven them, for the most part, quite down out the square, with the exception of a small number, who continued their resistance about No. 1 gate.

A great crowd still remained collected after this in the passage between the square and the prisoners' yards, and in the part of these yards in the vicinity of the gates. This assemblage still refused to withdraw, and, according to most of the English witnesses, and some of the American, was making a noise, hallowing, insulting, and provoking, and daring the military to fire; and, according to the evidence of several of the soldiers and some others, was pelting the military with large stones, by which some of them were actually struck. This circumstance is, however, denied by many of the American witnesses; and some of the English, upon having the question put to them, stated that they saw no stones thrown previously to the firing, although their situation at the time was such as to enable them to see most of the proceedings in the square.

Under these circumstances the firing commenced. With regard to any order having been given to fire, the evidence is very contradictory; several of the Americans swear, very positively, that Captain Shortland gave that order; but the manner in which, from the confusion of the moment, they describe this part of the transaction, is so different in its details, that it is difficult to reconcile their testimony. Many of the soldiers, and other English witnesses, heard the word given by some one; but no one of them can swear it was by Captain Shortland, or by any one in particular; and some, amongst whom is the officer commanding the guard, think, if Captain Shortland had given such an order, that they must have heard it, which they did not. In addition to this, Captain Shortland denies the fact; and from the situation in which he appears to have been placed at the time, even according to the American witnesses, in front of the soldiers, it may appear somewhat improbable that he should

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then have given such an order. But, however it may remain a matter of doubt whether the firing first began in the square by order, or was a spontaneous act of the soldiers themselves, it seems clear that it was continued and renewed both there and elsewhere without orders; and that on the platforms, and in several places about the prison, it was certainly commenced without any authority.

The fact of an order having been given at first, provided the firing was, under the existing circumstances, justifiable, does not appear very material in any other point of view than as showing a want of discipline and self-possession in the troops, if they should have fired without orders.

With regard to the above important consideration of "whether the firing was justifiable or not," we are of opinion, under all the circumstances of the case, from the apprehension which the soldiers might fairly entertain, owing to the number and conduct of the prisoners, that this firing, to a certain extent, was justifiable in a military point of view, in order to intimidate the prisoners, and compel them thereby to desist from all acts of violence, and retire, as they were ordered, from a situation in which the responsibility of the agent and military could not permit them with safety to remain.

From the fact of the crowd being so close, and the firing, at first, being attended with very little injury, it appears probable that a large proportion of the muskets were as stated by one or two of the witnesses, levelled over the heads of the prisoners; a circumstance, in some respects, to be lamented, as it induced them to cry out "blank cartridges," and merely irritated and encouraged them to renew their insults to the soldiery, which produced a repetition of the firing in a manner much more destructive.

The firing in the square having continued for some time, by which several of the prisoners sustained injuries, the greater part of them appear to have been running back with the utmost confusion and precipitation to their respective prisons, and the cause for further firing seems, at this period, to have ceased. It appears, accordingly, that Captain Shortland was in the market square exerting himself and giving orders to that effect, and that Lieutenant Fortye had succeeded in stopping the fire on his part of the guard.

Under these circumstances, it is very difficult to find any justification for the further renewal and continuance of the firing, which certainly took place both in the prison yards and elsewhere, though we have some evidence of subsequent provocation given to the military, and resistance to the turnkeys in shutting the prisons, and of stones being thrown out from within the prison doors.

The subsequent firing appears rather to have arisen from the state of individual irritation and exasperation on the part of the soldiers who followed the prisoners into their yards, and from the absence of nearly all the officers, who might have restrained it, as well as from the great difficulty of putting an end to the firing when once commenced under such circumstances. Captain

Shortland was, from this time, busily occupied with the turnkeys in the square, receiving and taking care of the wounded. Ensign White remained with his guard at the breach, and Lieutenants Avelyne and Fortye, the only other subalterns known to have been present, continued in the square with the main bodies of their respective guards.

The time of the day, which was the officers' dinner hour, will, in some measure, explain this, as it caused the absence of every officer from the prison whose presence was not indispensable there. And this circumstance, which has been urged as an argument to prove the intention of the prisoners to take this opportunity to escape, tended to increase the confusion, and to prevent those greater exertions being made which might, perhaps, have obviated at least a portion of the mischief which ensued. At the time that the firing was going on in the square a cross fire was kept up from several of the platforms on the walls round the prison, where the sentries stand, by straggling parties of soldiers, who ran up there for that purpose. As far as this fire was directed to disperse the men assembled round the breach, (for which purpose it was most effectual,) it seems to stand upon the same ground as that in the first instance in the square. But that part which, it is positively sworn, was directed against straggling parties of prisoners running about the yards and endeavoring to enter the few doors which the turnkeys, according to their usual practice, had left open, does seem, as stated, to have been wholly without object or excuse, and to have been a wanton attack upon the lives of defenceless, and, at that time, unoffending individuals.

In the same, or even in more severe terms, we must remark upon what was proved as to the firing into the doorways of the prison, more particularly into that of No. 3 prison, at a time when the men were in crowds at the entrance.

From the position of the prison and of the door, and from the marks of the balls, which were pointed out to us, as well as from the evidence, it was clear this firing must have proceeded from soldiers a very few feet from the door-way; and though it was certainly sworn that the prisoners were at the time of part of the firing, at least, continuing to insult, and occasionally to throw stones at the soldiers, and that they were standing in the way of and impeding the turnkey who was there for the purpose of closing the door, yet still there was nothing stated which could, in our view, at all justify such excessive harsh and severe treatment of helpless and unarmed prisoners, when all idea of escape was at an end.

Under these impressions, we used every endeavor to ascertain if there was the least prospect of identifying any of the soldiers who had been guilty of the particular outrages here alluded to, or of tracing any particular death at that time to the firing of any particular individual, but without success; and all hopes of bringing the offenders to punishment would seem to be at an end.

In conclusion, we, the undersigned, have only to add, that whilst we lament, as we do most

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deeply, the unfortunate transaction which has been the subject of this inquiry, we find ourselves totally unable to suggest any steps to be taken as to those parts of it which seem most to call for redress and punishment.

CHARLES KING,
FRS. SEYMOUR LARPENT.

Lord Castlereagh to Messrs. Clay and Gallatin.

FOREIGN OFFICE, May 22, 1815.

GENTLEMEN: I lost no time in laying before the Prince Regent the report made by Mr. Larpent and Mr. King, respectively appointed on the part of His Majesty's Government and that of the United States of America, to inquire into the circumstances of the late unfortunate occurrence at Dartmoor prison.

His Royal Highness has commanded me to express, through you, to the Government of America, how deeply he laments the consequences of this unhappy affair.

If any thing can tend to relieve the distress which His Royal Highness feels on this occasion, it is the consideration that the conduct of the soldiers was not actuated by any spirit of animosity against the prisoners, and that the inactivity of the officers may be attributed rather to the inexperience of militia forces, than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war.

But His Royal Highness has observed, at the same time, with sincere regret, that although the firing of the troops upon the prisoners may have been justified at the commencement, by the turbulent conduct of the latter, yet, that as the extent of the calamity must be ascribed to a want of steadiness in the troops, and of exertion in the officers, calling for the most severe animadversion, His Royal Highness has been pleased to direct the commander-in-chief to address to the commanding officer of the Somerset militia his disapprobation of the conduct of the troops, which, it is trusted, will make a due impression on the minds of the officers and men who were engaged in this unfortunate transaction.

As an additional proof of the sentiments which animate the Prince Regent on this occasion, I am further commanded to express His Royal Highness's desire to make a compensation to the widows and families of the sufferers; and I have to request that you, gentlemen, would make this known to your Government, inviting them, at the same time, to co-operate with His Majesty's Chargé des Affaires in the United States in investigating the respective claims, for the purpose of fulfilling His Royal Highness's benevolent intentions upon this painful occasion.

I request that you will accept the assurance of the distinguished consideration with which I have the honor to be, &c.

CASTLEREAGH.

To H. CLAY, and A. GALLATIN, Esqs.
American Commissioners.

Copy of a letter from Messrs. Clay and Gallatin to Lord Castlereagh.

HANOVER STREET, HANOVER SQUARE.

May 24, 1815:

MY LORD: We have the honor to acknowledge the receipt of your Lordship's official note of the 22d instant. Having, as we have already informed your Lordship, no powers on the subject to which it refers, we will lose no time in transmitting it to our Government. We will also place in the possession of the American Minister near His Britannic Majesty's Government (whose arrival here we daily expect) a copy of your Lordship's note, together with a statement of what had previously passed respecting the unfortunate event at Dartmoor.

We have the opportunity of tendering, &c.

H. CLAY,
ALBERT GALLATIN.

The Rt. Hon. VISCOUNT CASTLEREAGH.

Extract of a letter from Mr. Adams to the Secretary of State, dated

JUNE 23, 1815.

He (Lord Castlereagh) then mentioned the late occurrence at Dartmoor prison, and the measures which had been taken, by agreement, between him and Messrs. Clay and Gallatin on that occasion. I said I had received a copy of the report made by Mr. King and Mr. Larpent, after their examination into the transaction, and of the written depositions that had been taken, as well on that examination as previously, at the coroner's inquest; that, after what had been done, I considered the procedure as so far terminated that I was not aware of any further steps to be taken by me until I should receive the instructions of my Government on the case. From the general impression made on my mind from the evidence that I had perused, I regretted that a regular trial of Captain Shortland had not been ordered, and I thought it probable that such would be the opinion of my Government. He said that undoubtedly there were cases in which a trial was the best remedy to be resorted to, but there were others in which it was the worst; that a trial, the result of which would be an acquittal, would place the whole affair in a more unpleasant situation than it would be without it; that the evidence was extremely contradictory; that it had been found impossible to trace to any individual the most unjustifiable part of the firing; and that Captain Shortland denied having given the order to fire. I admitted that the evidence was contradictory, but said that from the impression of the whole mass of it upon me, I could not doubt either that Captain Shortland gave the order to fire, or that, under the circumstances of the case, it was unnecessary. It was true, the result of a trial might be an acquittal; but as it was the regular remedy for a case of this description, the substitution of any other was susceptible of strong objections, and left the officer apparently justified, when I could not but consider his conduct as altogether unjustifiable.

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Mr. Baker, His Britannic Majesty's Chargé des Affaires, to the Secretary of State,

PHILADELPHIA, Aug. 3, 1815.

SIR: In a communication made by Viscount Castlereagh, His Majesty's principal Secretary of State for Foreign Affairs, to Messrs. Clay and Gallatin, on the 20th of last May, relative to the unfortunate occurrence at Dartmoor prison, his Lordship expressed to those gentlemen, by the command of His Royal Highness the Prince Regent, how deeply His Royal Highness lamented the consequences of that unhappy affair, and that, if anything could have alleviated the distress which His Royal Highness felt on that occasion, it was the consideration that the conduct of the soldiers was to be attributed rather to the inexperience of a militia force, than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war. His Lordship likewise informed them that, although the firing appeared to have been justified at its commencement, by the turbulent conduct of the prisoners, yet, that as the extent of the calamity was to be ascribed to a want of steadiness in the troops, and of exertion in the officers, calling for the most severe animadversion, His Royal Highness has been pleased to direct the commander-in-chief to address to the commanding officer of the Somerset militia his disapprobation of the conduct of the troops, so that a due impression might be made on the minds of the officers and men engaged in that unfortunate transaction.

As an additional proof of the sentiments which animated the Prince Regent on this painful occasion, his Lordship was also further commanded to express to Messrs. Clay and Gallatin His Royal Highness's desire to make a compensation to the widows and families of the sufferers.

In reiterating these sentiments on the part of His Majesty's Government, for the information of the President of the United States, I have the honor to acquaint you, that I have been directed to concert with the American Government the most efficient means of carrying into execution these benevolent intentions of His Royal Highness the Prince Regent, and shall be ready, with a view of expediting the arrangements to be made, to proceed without delay to Washington, for the purpose of communicating with you personally on the subject, should it suit your convenience to meet me there. I beg leave, at the same time, to suggest, as a necessary preliminary to any measures which may be adopted, that information should be procured from the different States with respect to the families of the sufferers, and any other circumstances which may facilitate the completion of the arrangements alluded to.

I have the honor to be, &c.

The Secretary of State to A. St. John Baker, Esq., His Britannic Majesty's Chargé des Affaires.

DEPARTMENT OF STATE,
WASHINGTON, Dec. 11, 1815.

SIR: I have had the honor to receive your letter of the 3d of August, communicating a propo-

sition of your Government to make provision for the widows and families of the sufferers in the much-to-be-lamented occurrence at Dartmoor.

It is painful to touch on this unfortunate event, from the deep distress it has caused to the whole American people. This repugnance is increased by the consideration that our Governments, though penetrated with regret, do not agree in sentiment respecting the conduct of the parties engaged in it.

Whilst the President declines accepting the provisions contemplated by His Royal Highness the Prince Regent, he nevertheless does full justice to the motives which dictated it.

I have the honor to be, &c.

JAMES MONROE.

ANTHONY ST. JOHN BAKER, Esq. &c.

B.

DEVON, to wit:

Informations of witnesses severally taken and acknowledged on behalf of our Sovereign Lord the King, touching the death of John Haywood, at the prison of war at Dartmoor, in the parish of Lidford, in the county of Devon, the eighth day of April, in the fifty-fifth year of the reign of our Sovereign Lord King George III., before Joseph Whiteford, gentleman, one of the coroners of his said Majesty for the said county, on an inquisition then and there taken on view of the body of the said John Haywood, then and there lying dead, as follows:

Thomas Edwards, a private soldier in His Majesty's first regiment of Somerset militia, on his oath, saith: That he is stationed with the said regiment at the barracks at Dartmoor, adjoining the prison of war there; that, on Thursday last, the sixth day of this present month of April, he was on the guard called the West piquet guard, and, at the hour of half-past six in the evening, was fixed as sentinel in what is called the barrack yard, which is situated within the walls of the prison, but the yard allotted to the prisoners is separated from the barrack yard by a stone wall; that about the hour of seven in the evening of same day, he (this informant) was near his post, when he heard a noise, as if some persons on the other side of the wall were attempting to undermine it; whereupon he went to that part of the wall from whence the noise proceeded, and, on looking at the wall, he perceived that the mortar between the stones was moving, at the height of between three and four feet from the ground; whereupon this informant immediately went to the corner of a building which is called the cook-house, and alarmed the sentinel nearest to this informant on the wall, and desired him to order the piquet out; that this informant then returned to the spot where he had seen the mortar moving, and by this time there was a hole made through the wall large enough for this informant to put his musket and bayonet through, and, on looking through the hole in the wall, he saw a great number of the prisoners, he believes to the number of three or four hundred, assembled to-

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gether near the hole in the wall; and he thinks that there were altogether upwards of one thousand assembled nearly around the same place; that this informant spoke to the prisoners through the wall, and ordered them off several times, but many of the prisoners declared that they would not go, and they still continued beating against the wall; and this informant observed that one of the prisoners had an iron bar in his hand, with which he was tearing down the wall, and the prisoners within the prison were at this time hallooing and making a great noise; that the prisoners continued beating against the wall until they had made a hole in it large enough for the largest man in the prison to pass through, when this informant cocked his musket and presented it to the prisoners, threatening to fire at them unless they desisted; when the prisoners abused this informant, asked him why he did not fire, and said he was afraid to do so, and they still continued tearing down the wall of the prison; that shortly after the piquet guard came to this informant's assistance, and then this informant left that part of the wall and went to his post; that Lieutenant White, of the same regiment, commanded the piquet guard, and this informant heard him order the prisoners to go from the wall, but they refused to do so, and still continued tearing down the wall; that some of the men of the piquet guard threatened to fire at the prisoners, but Lieutenant White told them that they should not fire, and remained in the barrack yard with his party, where the hole was; that, about half-past seven o'clock, whilst this informant was at his post, he heard the report of several muskets in the direction of the market place, but did not leave his post; and at this time the prisoners were still beating against the wall on the inside, at several different places, but after many muskets had been discharged they quitted the wall; that this informant remained at his post until he was relieved at half-past eight o'clock, and during this time no musket was fired in the barrack yard; and after this informant was relieved he did not hear the report of any muskets, and the firing had entirely ceased; and this informant further saith, that he was not within the walls of the prison, and did not see any musket discharged, but only heard the report of them.

THOMAS EDWARDS.

Sworn before me,

JOSEPH WHITEFORD, *Coroner.*

Samuel White, a lieutenant in His Majesty's regiment of first Somerset militia, on his oath, saith: That, on Thursday last, the 6th day of the present month, (April,) he (this informant) had the west guard of the prison of war at Dartmoor, and about half past six o'clock in the evening he was in the guard room, when, in consequence of some information he received, he ordered out the guard, and proceeded with it to the barrack yard, which adjoins that part of the prison distinguished by No. 7, and is separated therefrom by a stone wall; that Charles Edwards, now present, was then a sentinel in the barrack yard, and at his post,

and at the distance of about fifteen yards from the post where he was the sentinel, he (this informant) observed a hole in the wall which separated the barrack yard from the prison, large enough for a man of any size to come through; that at this time there were a great number of prisoners within the wall near the hole, and several of them tearing down the wall, and he particularly noticed two of the prisoners with iron bars in their hands, removing the stones from the wall; that this informant spoke to the prisoners repeatedly, and desired them to desist from what they were about, and told them that, unless they did, the whole of the military would be called out, and obliged to commit violence to compel them to desist: but the prisoners still continued tearing down the wall, and repeated volleys of turf and stones were thrown through the opening the prisoners had made in the wall, and over it, at this informant and the guard; and this informant was struck by some of the mortar and stones taken from the wall, and thrown at him by the prisoners, and several of the men complained of having been also struck with the stones thrown; that this informant did not see Captain Shortland, the agent for the prisoners of war, in the barrack yard, after this informant came; that when this informant spoke to the prisoners who were about the wall, they abused this informant and the guard, declared they would not leave the spot, and said "*fire, fire!*" that the prisoners within the walls of the prison were, throughout, in a state of disturbance, and whilst some of them were tearing down the wall, the rest were huzzaing and making a great noise, and at this time it was about the hour in the evening when the prisoners are usually locked up in their different prisons; that he (this informant) had been in the barrack yard about fifteen minutes when he heard the prisoners huzzaing and making a great noise adjoining the yard where the market is held, which is the principal entrance to the prison, and at the same time he heard the alarm bell ring, and the drum beat to arms, and immediately after he heard the report of a single musket, which proceeded as in a direction from the prison gates leading into the market place, and this informant then proceeded towards the market place, to ascertain by whose orders the firing had commenced, leaving the piquet guard under the care of the sergeants; and in his way to the market place he heard several other muskets discharged in the same direction as the former, whereupon he immediately returned to his guard, without going to the market place, and still found the prisoners tearing down the wall between the prison and the barrack yard, endeavoring to widen the breach; that the prisoners continued tearing down the wall, when some muskets were fired from the walls by the sentinels towards the place where the breach was; whereupon the number of prisoners near the breach lessened considerably, many running towards their respective prisons, and others towards the principal gate; that some of the prisoners attempted to force their way through the breach, when he (this informant) or-

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dered the guard to charge, and warned the prisoners against the consequences that would follow; that this informant was at this time at the breach in the wall, and part of his body was through, to see what was passing within the walls, and he then observed that the principal rush of the prisoners was towards the main gate, leading to the market place; and just at this moment he (this informant) heard a volley of musketry discharged in the market place, and immediately after the prisoners began to retreat; and shortly after, this informant saw the guard, and the rest of the soldiers who were not on guard, pass on the inside of the prison wall, opposite the breach, and they were drawn up in front of the prison No. 7, and Major Jolliff was persuading the prisoners to go to their prisons, but many of them remained at the prison door, abusing the military; that after a considerable effort on the part of the guard, the prisoners were driven into No. 7 prison, and the door locked; that at the time this informant heard the volley of musketry in the market place, or immediately after, there were several muskets fired from the different platforms where the sentinels were placed, but the firing ceased instantly after the soldiers entered the prison yard; that this informant remained with the guard until half-past eight o'clock at night, when everything was reported to be quiet, when, by order of the field officer, the guard was returned to the guard-room; that there was not a musket discharged in the barrack yard, and he (this informant) saw no person killed or wounded; that when this informant saw the prisoners rush towards the gates, they were in a very riotous, disorderly state, and they appeared to this informant as if determined to force their passage through the gateway; that the soldiers on guard are directed to refrain from any communication with the prisoners, to prevent the prisoners from getting over the iron railing within the walls of the prison, and likewise to prevent the prisoners from tearing down or undermining the walls; that in case the prisoners do not desist from such practices when spoken to, the guard is to be alarmed, but the sentinels are ordered not to fire unless in cases of absolute necessity, or where a prisoner or prisoners is or are in the act of escaping from the prison; that on the 4th day of April instant this informant was also on the guard, and the prisoners were then very disorderly, and refused to obey the commands, inasmuch that the guards were turned out, the alarm-bell rung, and the drums beat to arms; and at this time, which was about seven o'clock in the evening, the prisoners had forced the gates of the prison, and had the possession of the whole of the market place, and their demand was then for bread instead of biscuit, which this informant understood had been offered them instead of bread, there being much biscuit in store; but on the 6th day of April instant he did not hear the prisoners assign any cause for their conduct. And this informant further saith, that on the 7th day of April instant he attended Admiral Sir Josias Rowley and Captain Schornberg to the walls of the prison, and heard the Admiral speak to the

prisoners from the platform at the main gates, opposite the prison No. 7, and requested to know their grievances, and why the breaches had been made in the wall, and the gates forced; when one of the prisoners, whom this informant understood to be one of the committee, said, in reply to the Admiral, that there was no cause of complaint, and that the breach made in the wall was to get a ball which had been thrown over the wall by some of the boys; that the prisoner said that the chain at the gates was not sufficiently strong, and the press at the gates was so strong, that the gates were forced open, and one or two hundred rushed out, but that there was no intention to escape; that when this informant saw the prisoners breaking down the wall on the 6th day of April, instant, the persons employed about it were all men, and they were all the time abusing the military; and during the time this informant was in the barrack yard, no person asked for a ball, or said a ball had been thrown over the wall.

SAM. WHITE,

Lieut. 1st Somerset reg't militia.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

John Mitchell, one of the clerks in the office of Thomas George Shortland, Esq., the agent for prisoners of war at Dartmoor, in the parish of Lidford, in the county of Devon, on his oath, saith: That, on Thursday, the sixth day of April instant, about a quarter before seven in the evening, he (this informant) was in his own room, the duty of the day having been finished, except receiving the evening report, when one of the turnkeys, called Richard Arnold, came to this informant's room, and, in consequence of information which he gave, this informant walked towards the south guard, accompanied by Mr. John Bennett, store clerk at the prison, and observed the officer of the guard on the platform; and this informant went on the platform, and saw a great number of prisoners between the iron railing within the walls of the prison and the wall of the military way, which is a place where the prisoners are not permitted to go, and the prisoners were throwing peat and other light articles; that this informant then went to the guard room, where there was a report that a breach had been made by the prisoners in the hospital wall, where he immediately went, but saw no appearance of breach there. That he then returned to the lodge, and, finding that the west guard were not at their post, he went to the north guard and requested the sergeant to assemble his guard, and they followed this informant to the station of the west guard; that this informant then went to the front of the principal entrance to the prison, and saw Captain Shortland in the front of the prison, and the gate of the prison nearest to the hospital was open, and the prisoners were coming through the gates of the prison, towards the upper gates, in a body, at a quick pace, making a great noise, and using the word "keeno," which this informant has frequently heard the prisoners use when they were bent on anything; that Captain Shortland ad

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vanced towards the prisoners, calling on the guard to follow, form, and be steady, and directed them to keep possession of the market square; that this informant followed Captain Shortland, keeping between him and the military, and this informant heard Captain Shortland desire the prisoners to return quietly to their prisons, for fear of any unpleasant consequences, and he repeatedly urged the prisoners to return to their prison, but they still continued advancing, speaking in a riotous manner, and making a great noise; and at this moment he (this informant) also saw the surgeon, Dr. Magrath, speaking to the prisoners, and he heard him persuade the prisoners to return; that, at this time, he (this informant) observed a large body of prisoners assembled at the other gate, or the opposite side of the market place, and proceeded towards this gate with an intention of observing their conduct minutely, but, on hearing a noise on his left, he turned round and observed the prisoners were much further up the square, more numerous, and part of the guards had charged their bayonets towards the prisoners to force them down, and almost at the same moment he (this informant) heard the report of a musket discharged, and the sound came from where the guard were charged to force the prisoners down, but this informant did not see any person fall; that he (this informant) ran and got in the rear of the military, and almost instantly a discharge of musketry took place from the guards who were forcing the prisoners down, and shortly after he heard various discharges of musketry from different parts of the prison; that he (this informant) did not hear any person give orders to fire; that several muskets were fired in the market square, but what number he cannot say, and, immediately after the firing had ceased, he heard Captain Shortland call for turnkeys to take up the wounded; that this informant made his way through the military with some of the turnkeys, and the first person he saw was a black man lying on the ground, on his face, apparently dead; and there was another man wounded in the square, and sitting in the sentry box, but this informant did not notice any other; that there was then an outcry from the military for the key of the gate which leads to Nos. 5 and 7 prisons, and this informant went and procured a turnkey, who brought the key and opened the gate; and, after some of the military has passed in, this informant went inside the gate, and there saw a white man lying on the ground, also apparently dead; and at this time this informant heard the report of several single muskets, at different parts of the prison, apparently as if from the walls, and, considering it unsafe, he retired behind the military, and went again to the lodge, where he remained until there was a call for turnkeys to shut up the prison, when he procured the necessary turnkeys and sent them down, and then went towards the military himself, and, at Captain Shortland's request, went to ascertain the number of prisoners who had been sent up, and afterwards, by order of Captain Shortland, went to the surgery ward of the hospital to receive the wounded and ascer-

tain their number, and whilst there he received thirty-four prisoners, who were wounded, and one dead man was also brought to the hospital by mistake; that this informant remained there until he was sent for by Captain Shortland to report the number; that, at the time the first musket was fired, he thinks that there were about five hundred prisoners in the market square, and the foremost of them were behaving in a very riotous and disorderly manner, quite disrespectful to Captain Shortland, and without appearing to pay the least attention to what Captain Shortland or Dr. Magrath were saying, and though requested to retire they continued to advance, and seemed to this informant as if determined to force their way to the upper gates, which were then opened to permit the bread-wagon to go out; that, since the 26th day of March last, there has been much dissatisfaction among the prisoners in the prison towards Mr. Beasley, the American agent, whom the prisoners understood was appointed to send them home; and, on the 4th day of April instant, about seven o'clock in the evening, the prisoners got open the gates leading to the market square, and came up and occupied the square until about ten o'clock, when they retired to their respective prisons; that this informant went to the gates and spoke to some of the prisoners, and also went inside amongst them, and asked what they came up for, when they replied it was because they had had no bread that day; that the transport board had permitted the contractor to issue biscuit, of which he had a store, for his contract, and it was arranged by Captain Shortland that they were to have it only one day in a week, and the prisoners had been offered their rations of biscuit, which was one pound of biscuit instead of one pound and a half of soft bread, but they had refused to accept it throughout the day, but remained quiet till the evening; that, on the 6th day of April instant, soft bread had been issued to the prisoners as usual, and Captain Shortland had, on the 5th, communicated to the committee for the prisoners that he did not intend to issue any biscuit without further directions from the board; that this informant did not observe anything thrown by the prisoners at the military on the evening of the 6th, and did not see the prisoners armed with any offensive weapons; that if the prisoners had forced their way to the upper gate of the market square, there would have been no obstacle to their getting out of the prison, as all the gates were open; that about a quarter of an hour previous to this informant seeing the prisoners coming in a body through the gate, the usual horn, the signal for their retiring to their respective prisons, had been blown, and continued to blow nearly the whole of the time.

JOHN MITCHELL.

Sworn before me,
JOS. WHITEFORD, *Coroner.*

Richard Arnold, one of the turnkeys of the prison of war at Dartmoor, on his oath, saith: That on the 6th day of April instant he (this informant) was stationed at the lower gate in the

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market square, adjoining to the wall of the military hospital; that just before seven o'clock in the evening this informant went on the platform in the front of the gates of the prison leading into the market square, when he saw a great number of prisoners between the iron railing and the military wall which separates the military way from the prison, and went and reported the circumstance to Mr. Mitchell, and from thence went to Mr. Holmden, the clerk of the agent at the prison, and then this informant returned towards the lodge, and there met Mr. Holmden with a guard, and he went into the prison with them to turn the prisoners from between the railing and the wall, and this informant went to the lower gate again; that, just as this informant got to the gate, he heard a sentinel call from the barrack yard to a sentinel on the platform near the market square, that the prisoners were breaking a hole through the barrack wall, and desiring him to call the guard; that this informant immediately went to the west guard and called them, and when the guard was turned out Captain Shortland came through the lodge, and went with the guard to the barrack yard, and this informant went there also, after having called the north and south guard to be in readiness if they were wanted; that on coming into the barrack yard he observed a hole in the wall on the south side of the cook room, large enough for a man to creep through, and he saw a great number of prisoners through the hole in the wall, who were abusing the soldiers and the captain; that this informant then returned to the market square, leaving Captain Shortland in the barrack yard, and the horn was then sounding for the prisoners to turn into their respective prisons, when he observed a large body of prisoners collected between the iron railing in the front of the prisons, and they were attempting to force the gates, which were locked and secured by an iron chain, and were very riotous; that this informant went away to call the guard, and met Captain Shortland at the upper gate; that the guard was outside by the guard house, drawn out, and Captain Shortland called to them to follow him, and this informant returned with him, and by this time the prisoners had forced the gate, and many hundreds had assembled in the market square; that Captain Shortland desired the soldiers to draw up, be steady, and keep their ground, and the soldiers formed just across the square; that this informant saw Captain Shortland go up in front of the military, and heard him desire the prisoners to go in, or otherwise he should be obliged to use means which he should be very sorry for; that the prisoners were very riotous, calling out "keeno, keeno," several times, and advanced instead of retiring, when some of the soldiers came to a charge, and this informant made the best of his way to get in their rear, and just after he got in the rear he heard a single musket, and soon after he heard several muskets discharged, but the muskets were at first elevated so high that he does not think a single shot touched either of the prisoners, and then he observed that many of the

prisoners had got a great way in the yard, when some of them called out "Fire, you buggers, you have no shot in your pieces or guns;" when the military fired again, and this informant heard a cry amongst the prisoners, and almost immediately he heard Captain Shortland call for the turnkeys to help the wounded away; that this informant saw one man dead in the gateway of prison No. 7, and saw several men carried towards the hospital wounded, but he does not know any of them; that this informant did not hear any person give orders to fire; that he was near to Captain Shortland when the firing first began, and, if Captain Shortland had given any orders to fire, he thinks he must have heard them; that between the first discharge and the second the prisoners had retreated from the market square towards the prison, but had made a stand when the second firing commenced; that he did not see the prisoners armed with any offensive weapons, nor did he see them throw any stones at the military; that the same evening, after the prisoners were locked up, he went into the prison yard, and saw several places in the wall where the stones had been taken out, but there was only one hole entirely through the wall.

RICHARD ARNOLD.

Sworn before me,

JOSEPH WHITEFORD, *Coroner.*

Stephen Hall, one of the turnkeys at the prison of war at Dartmoor, on his oath, saith: That on the 6th day of April instant, about a quarter before seven o'clock in the evening, he went into the market square, and went to the lower gate, when he saw some of the prisoners come over in a body from the wall which separates the barrack yard from the prison, and they came to the gate next to the hospital, and forced the gate open, and went up towards the market square; that this informant was close by Captain Shortland in the square, and heard the captain desire them to go back, but they said they would not; that there were some soldiers at this time formed in the market square, and when the prisoners refused to retire they came to a charge, and then this informant went to the rear, when he heard a single musket fire; and at this time he had not heard any person give orders to fire, nor did he hear any such orders given afterwards; that after the musket was fired he went towards the lodge, and heard several muskets fired, and shortly after he heard the captain call for the turnkeys to bring up the wounded, when this informant went down and assisted in taking up two wounded men, one of them in the market square and the other in the prison, and he also picked up one man dead in the market square, but he does not know the man; that when this informant saw the prisoners coming across the yard towards the gate, they were behaving in a very riotous manner, and this informant observed that they had some iron bars, and he thinks that three of the men had an iron bar each; that he did not see either of the men attempt to strike with them, and he did not see either of the prisoners throw anything towards

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the military; that this informant heard the alarm bell ring just before he saw the prisoners come across the prison and force the gate; that after they had forced the gate this informant persuaded the prisoners to go back, but they refused to do so; that they made no complaints whatever in this informant's hearing; that on the 7th day of April instant, he was at the lower gate, when he heard some persons who were walking between the railing, and they were talking about a black man that was killed; and this informant heard the prisoners say, if the black man had not been killed he would have killed Captain Shortland, and that he had a knife in his pocket prepared to stab him; that there was no person present with this informant at the time he heard this conversation, and he does not know the prisoners who were talking together.

STEPHEN HALL.

Sworn before me,

JOSEPH WHITEFORD, *Coroner.*

Richard Cephus, an American prisoner of war, on his oath, saith: That he hath this day seen the bodies of several men lying dead at the dead-house in the hospital at Dartmoor, and amongst them he saw the body of John Haywood, a black man; that John Haywood was in prison No. 4, with this informant, and on Thursday last, about half past five in the evening, he went to the privy adjoining to prison No. 4, and had not been there above a few minutes when he heard a firing of musketry as from the market square and the ramparts around the prison; that at first there was a single musket which he heard the report of, and immediately after several volleys were fired; that about six o'clock he came out of the privy and then saw John Haywood going down to go out of the prison, and asked him where he was going; he said he was going out to see what the firing was about, and parted from this informant; that this informant went back to the privy, and about ten minutes after he heard that Haywood was dead, but did not see him till this day; that this informant was not out in the prison yard from four o'clock in the afternoon of the 6th day of April instant until the following day about half past eight in the morning.

RICHARD CEPHUS, his X mark.

Sworn before me,

JOSEPH WHITEFORD, *Coroner.*

George Magrath, surgeon at the hospital at the prison of war at Dartmoor, on his oath, saith: That, on the 6th day of April instant, about ten minutes before seven o'clock in the evening, whilst sitting in his own house, he heard the alarm bell ring on the outside of the prison, and immediately ran out, and, on arriving at that part of the military way which fronts the market square, he saw a line of soldiers drawn up on the outside of the square fronting the outer gate; that, on looking into the square, he observed a considerable body of the prisoners advancing up the square, and, having understood that the prisoners were breaking out, this informant, with as much haste as he could, advanced towards them;

as soon as this informant got amongst them, he began to exhort them to return quietly into the prison, and told them that he feared any attempt of that kind (meaning an attempt to escape) would be attended with serious consequences; that many of the prisoners told this informant that they were kept an unnecessary length of time in prison after they considered themselves as free, or some words to that effect; that this informant observed to them that their detention appeared to be entirely the fault of their own agent, Mr. Beasley; and several of those whom this informant had addressed, appearing to be sensible of the truth of what this informant had advanced, went back and retired towards the gate leading into the prison from the market square; that this informant continued to address himself to others, and, whilst expostulating with them, this informant saw the soldiers march down the square and form in a line fronting the prisoners, about the middle of the square, and, during this time, greater numbers of the prisoners were pressing up through the gate; and whilst this informant was still using language to those whom he addressed, calculated to induce them to return into prison, he heard a voice (but whose it was this informant did not know) ordering the soldiers to charge; that, at this time, Captain Shortland was near to this informant, and he appeared to be employing the same means as he (this informant) was to induce the prisoners to return to the prison; that, on hearing the word "charge" given, he looked round, (for his back was then to the soldiers, and his face towards the prison,) and found himself on the point of the soldiers' bayonets, who were close to him; that he (this informant) was driven a considerable way, at the point of the bayonet, with the prisoners, when he found it necessary to make some attempt to extricate himself, and succeeded in getting round the left wing, which rested on the wall which separates the market square from the hospital, and, whilst this informant was endeavoring to get round, the firing commenced; at first he heard two or three muskets, but afterwards the discharges became more frequent, and almost amounted to a volley; that as soon as this informant had extricated himself, being apprehensive that his assistance might be required, in consequence of the firing, he went to make preparation for the purpose; that this informant went to his own house and carried some instruments to the receiving room of the hospital, where he awaited the arrival of some wounded men, but he did not see any of those who were killed on the spot until this morning; that this informant has this day examined the body of a black man, stated to be called John Haywood, and found that the ball had entered a little posterior to the acremien of the left shoulder; passing obliquely upwards, it made its egress about the middle of the right side of the neck, and, in the judgment of this informant, he died of that wound, which appeared to have been inflicted by a musket ball; that this informant, at the time the order was given to charge, was in warm conversation with

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the prisoners, and, therefore, cannot take upon himself to say who gave the order, but this informant heard no person give an order to fire; that there was a great deal of confusion among the prisoners, and, therefore, he cannot speak to the general conduct of the prisoners; but those to whom this informant spoke appeared disposed to listen to him, and many receded towards the gate amongst those with whom this informant had been conversing; that the number of the prisoners that were assembled in the market square he cannot say, or even form an estimate, but there was a considerable crowd together, and, during the time this informant was in conversation with the men, they were pressing forward in a body; that, as the whole of this informant's attention was engrossed with a few to whom this informant addressed himself, he cannot take upon himself to give any opinion as to the necessity of coercion; but this informant is of opinion that the prisoners ought not to have been in that situation at so late an hour in the evening; that there was a great clamor of voice, and a general murmur among the prisoners, but this informant did not observe them proceed to any acts of violence before he came away; that, after he came away, and in going to his own house, and from thence to the hospital, he heard the discharge of musketry; and this informant's attention was not attracted to it above two or three minutes, but whether it continued beyond that time he cannot say.

GEORGE MAGRATH.

Sworn before me,

JOSEPH WHITEFORD, *Coroner.*

John Odiorne, a citizen of the United States of America, on his oath, saith: That he has been at the prison of war at Dartmoor ever since the 29th day of September last: that, on Thursday last, the 6th day of April instant, a little after six o'clock in the evening, he was at the store in market square, standing by the door, and the wagon with the bread for the prisoners was partly unladen, when this informant heard some person talking loud at the gate at the upper end, and went around the wagon to see who it was, and saw Captain Shortland advancing into the yard, and he was giving his orders to the turnkeys at the lodge in a loud voice; and Richard Arnold spoke to him, and told him something about the wall, when Captain Shortland said, "Damn you, why did not you tell me about it before? ring the bell; call the guards out:" that the guard immediately followed Captain Shortland into the yard, when he ordered them to form across the yard, about two-thirds of the way down; that there were not soldiers enough to stretch across the yard, and they formed with their right on the southern wall, leaving some distance between their left and the northern wall: that Captain Shortland used some harsh expressions to the guard, and bade them form on the northern wall, for that was the place where the prisoners were coming; and just as Captain Shortland gave the orders, this informant saw the prisoners force the gate No. 1, which

adjoins the hospital wall; and before this time this informant had not seen a single prisoner in the market square, except those who were employed with him: that there could not have been a body of men in the square without the informant's seeing them, as at this time he was on the steps, at the store, which is about ten feet high, and commands a complete view of the square; that, after the prisoners had advanced to the distance of between twenty-five and thirty feet, Captain Shortland then ordered the men to charge upon them, and the soldiers charged upon the prisoners, when they retreated into the yard, leaving one man behind, who appeared to this informant to have fallen down, and a soldier was standing over him with a bayonet, threatening to stab him if he did not get up; and the man on the ground appeared to be drunk, but this informant could not hear what he said; that, after the prisoners had retreated within the prison, this informant saw an officer put his hand to the gate which opened against the hospital wall, as this informant thought to shut the gate; but instead of shutting it he retreated to the soldiers, at a little distance from the gate, when he heard an order given to fire by Captain Shortland, as the informant supposed, for he was looking directly at him; that the order was not instantly complied with as soon as a musket might have been fired; but in a few seconds a musket was fired by a person at the right of Captain Shortland, a few paces in advance of the others, and immediately after two muskets were fired to the left of Captain Shortland, by the hospital wall, after that there was a general discharge; and immediately after the general discharge a party of soldiers marched to No. 1 yard, through the gate, and fired a volley, and then wheeled about and returned into the square; and after the soldiers had returned into the square, and formed into a line, the officer ordered them to fire, and immediately the whole line across the square fired into the yard; after which the line broke up and advanced into the yard, and this informant could not see any further, but he heard the report of guns in the yard; that, soon after, this informant saw a prisoner coming out of the yard, bringing a prisoner on his back, and a corporal or sergeant spoke to the man, abused him, called him a coward, and said, "this comes of your keeno:" that this informant spoke to the sergeant or corporal, and abused him for having spoken so to the wounded man; but by the advice of Mr. John Arnold he went into the store, and remained there all night: that, about forty minutes, or forty-five, before he saw Captain Shortland, he was in No. 7 prison yard, and he did not perceive there was anything the matter; there was a great crowd round the gambling tables, as usual, but he was not near the place where this informant has seen the holes mended in the wall: that he saw a small hole in the wall the day before, about six or seven inches in depth, and, on inquiring what it was done for, some person said it was done to make quoits with: that this informant never heard that the hole was made for boys to go out and fetch their

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balls. And this informant further saith that he did not see Dr. Magrath in the square addressing the prisoners, nor did he see him either go in or out.

JOHN ODIORNE.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

Addison Holmes, a citizen of the United States of America, on his oath, saith : That on Thursday, the 6th day of this present month of April, between the hours of five and six o'clock in the evening, he was at the lower part of the yard of the prison No. 3, and, understanding that a hole had been broken through the wall in the prison No. 7, by the boys, to get at their balls, he was going to see it; and hearing the alarm-bell rung, he went into the market square, having found the gate open, and there were about a dozen prisoners in the square, and a great many more followed after him; he was going up to see what the alarm-bell was rung for, when he saw the troops entering the outer gate of the square, and Captain Shortland was with them: that, as the troops came through the gate, they were paraded across the square; and this informant saw Dr. Magrath at the left of the troops, talking to about a dozen of the prisoners, advising them to go down to the prison quietly; and some of them turned and went towards the gate, but others were talking with him still: that at this time there was a considerable body of prisoners in the rear: that Captain Shortland was in front of the troops, and about the middle of them, speaking to one man, who wanted to say something to him; but it appeared that the captain would have no conversation with him, and pushed him from him twice, when the man turned about and was going down slowly: that the captain then turned round and ordered the troops to charge their bayonets, twice; but they did not do so until they were ordered by one of their own officers, and then the troops charged their bayonets and the prisoners were forced on before them, and Dr. Magrath, being in front, stepped in between two bayonets, and got to the rear: that this informant stepped aside, and got between two sentry boxes, and the troops passed him; and by this time the prisoners were forced to the gate, had got inside the prison, and shut the gate after them; but Captain Shortland, who was in front of the troops, shoved the gate open, and this informant, thinking it was a good opportunity for him to get in, pushed on between two men, and then saw that Captain Shortland had hold of a musket, and immediately that musket was discharged; but whether Captain Shortland pulled the trigger or not, this informant does not know; and immediately after, there was firing at the left: that Captain Shortland had ordered the troops to fire before he took hold of the musket, but he was not obeyed, and then took hold of the musket, and he believes the soldier had hold of it at the same time: that just after the firing at the left, as he (this informant) was passing between two men, one of whom had discharged his

musket, this man was hauling his musket back to stab this informant, and before he drew it past this informant, he (this informant) unshipped the bayonet and threw it on the ground, and then pushed off the bayonet on the left with his arm, and got in round the gate, when the soldiers immediately fired another round, and he saw a man fall: that this informant stopped a few minutes, and the soldiers fired several rounds, and this informant went round the prison No. 1, to the prison No. 3, and the soldiers were firing from the walls up the prison: that this informant got into the prison No. 3, when two rounds were fired into the prison door, which killed one man and wounded another; but who it was that was killed he does not know: that directly after this the prison doors were shut, and he heard no more of it: that he cannot say what was doing in the yard of prison No. 7, as he was not there; but the prisoners in the yard of prison No. 3 were walking the yard quietly, it being just before the time of turning in when he heard the alarm-bell.

ADDISON HOLMES.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

John Arnold, steward of the prisoners in health at the prison of war at Dartmoor, on his oath, saith: That on Thursday, the 6th day of April instant, about seven o'clock in the evening, he was at the door of the contractor's store in the market square, receiving bread from a wagon into the store, and John Odiorne, an American prisoner, was with him, when suddenly he heard a great noise at the bottom of the square, and some persons were saying that the prisoners were pulling down the barrack wall, and the soldiers were running through the military way, as this informant supposed, to get their arms; and almost immediately after the alarm bell was rung, and the drums beat to arms, and the horns sounded; that, soon after, this informant saw a great body of prisoners between the railing and the market square, and some prisoners were in the market square; that just about this time, he (this informant) saw Dr. Magrath and Mr. McFarlane, the surgeons, go down the market square, and, just after, Captain Shortland also came into the market square, and the soldiers marched in with their officers; that this informant ordered the wagon away, not thinking it safe to let it remain, as the prisoners were at this time very riotous; and just as this informant had ordered the wagon away, the prisoners burst open the gate next the hospital and rushed in the market square, in a very large body, and at this time the outer gates were all open to permit the wagon to pass; and this informant believed, at the time, that the prisoners, taking advantage of the circumstance, were endeavoring to effect their escape; that the soldiers were formed across the square, and the prisoners had advanced in a body, in a riotous manner, calling out "keeno," close to the soldiers, within musket length, or thereabout, when the soldiers immediately charged upon the prisoners, but this informant did not hear any order to

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charge given, and this informant thinks that, from the noise made by the prisoners, it was impossible to hear any word of command; that the soldiers drove the prisoners at the point of their bayonets within the gates of the prison, whereupon the prisoners turned their faces towards the soldiers, still continuing assembled together in a large body, and began to throw stones at the soldiers, and, from the appearance of the size of the stones, he (this informant) has no doubt but that some of them were five or six pounds in weight; that the prisoners threw a great number of stones, and continued doing so for about two minutes, when this informant saw one of the muskets from the soldiers discharged towards the prison yard, and within a minute afterwards he saw the whole party fire their muskets, and it appeared to this informant that the muskets were elevated above the prisoners; that there was a large body of the prisoners assembled in the three yards in front of the gate, and stones were throwing in all directions towards the military, when this informant saw the soldiers fire their muskets towards the prisoners, and, about this time, he saw Dr. Magrath and Mr. McFarlane run up the market square, and soon after he saw a man brought up wounded; that this informant was standing on the steps of the store all the time before alluded to, and could distinctly see what was passing, except when the soldiers were involved in the smoke; that Odiorne and six or seven American prisoners were standing on the steps of the store, and they all saw the prisoners throwing stones at the soldiers; and this informant remarked to them, that, if the prisoners continued to assault the soldiers so, some of them would be shot; that this informant never heard Captain Shortland give any directions to the soldiers to fire, and he was so near to Odiorne that if orders had been given which he might have heard, he (this informant) must have heard also, as he has as quick an ear as most people; and this informant further saith, that the firing was very irregular, and it did not seem like firing in obedience to orders; and this informant further saith, that it appeared to him the soldiers were in danger from the stones thrown at them by the prisoners.

JOHN ARNOLD.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

William Gifford, a private soldier in His Majesty's first regiment of Somerset militia, on his oath, saith: That on Thursday, the 6th day of this present month of April, about half-past six o'clock in the evening, he (this informant) was posted as sentinel in the market place, at the gate adjoining the hospital wall; that about half an hour after this informant had been posted, he heard the prisoners huzzaing in the yard of prison No. 7, and soon after the west guard, to which this informant belonged, was called for; that this informant then saw a prisoner come from No. 7 yard, with an iron bar in his hand, and a great number of prisoners were following him, and the prisoner who had the bar broke the

lock of the gate, where this informant was sentinel, with it, and the prisoners rushed out as fast as they could come, crying out "keeno;" whereupon the alarm-bell was rung, and part of the north guard came into the market square, and Captain Shortland was with them; that the soldiers formed on the left side, where the crowd of prisoners was forcing up, there not being enough to form across the yard; that Captain Shortland spoke to the prisoners and ordered them back, but they did not go, and at this time they were so close to the military that they could be touched by the bayonet; that Captain Shortland ordered the soldiers to charge, which they did, and forced the prisoners almost to the prison gate, but they would not go into the prison yard, and stood fast at the gate; that the prisoners then began to throw stones at the soldiers, and this informant saw several of the men's caps knocked off with the stones; that the prisoners were very riotous, huzzaing and throwing a great number of stones or bricks at the soldiers, when this informant heard the word "fire" given by some person, but whom he does not know; that this informant immediately heard a discharge of musketry, and saw that the muskets were presented in the air; that the prisoners still continued huzzaing and throwing stones at the military, when the soldiers began to fire towards the prisoners, and this informant afterwards saw two men, like prisoners, lying in the market place apparently dead, one on the right side of the guard, and the other on the left; that the soldiers then went into the different prison yards to turn the prisoners in, and this informant heard some firing in the yards; that Major Jolliff had the command of the first Somerset regiment of militia, but he was not present when the first firing commenced; and this informant further saith, that the stones thrown at the soldiers were large enough to have killed some of them, and the stones were thrown so thick that it appeared to this informant the soldiers were in great danger; that this informant did not discharge his musket at all; that this informant was near to Captain Shortland when the prisoners were forced to the prison gate, and he never saw Captain Shortland with a musket in his hand, or attempt to take a musket; if he had, he (this informant) thinks that it was impossible for him not to have seen it; that he never heard Captain Shortland give any orders to fire, and this informant was so near to him that he thinks he must have heard him if he had given any such orders; that whilst the prisoners were huzzaing, many continued calling out "murder the rascal," by which this informant understood they meant Captain Shortland—and this was before any firing took place; and this informant further saith, that he did not hear or see a musket discharged on the evening of the 6th day of April instant before the prisoners began to throw stones.

WM. GIFFORD, his X mark.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

Massacre at Dartmoor Prison.

James Groves, a private soldier in the first regiment of Somerset militia, on his oath, saith: That he was placed as sentinel in the barrack yard at Dartmoor prison, on the 6th day of April instant, and was relieved by Thomas Edwards at half-past six o'clock in the evening; that about five o'clock in the evening a ball was thrown over the wall close by the old cook room, which is now the armorer's shop, and the armorer was there at the door at the time, and he caught up the ball and threw it over the wall into the prison again; that this informant saw no other ball whilst he was on sentry, and no person whatever called to this informant to throw over any ball; that just at the time the armorer was about to throw the ball over, some person from the prison called out "throw the ball over," but after the ball was thrown over, this informant heard no further call; that whilst this informant remained on sentry, he did not hear any attack upon the wall, and saw no breach whatever therein.

JAMES GROVES, his X mark.

Sworn before me,

JOS. WHITEFORD, Coroner.

David Spencer Warren, a citizen of the United States of America, on his oath, saith: That on Thursday last, the 6th day of April instant, in the evening, about half an hour before the usual time of turning in the prisoners, he heard the alarm-bell, and went up to the gate of the yard of the prison No. 1, and when he arrived there he saw a number of prisoners in the market square, and a number of soldiers were in the square, and Captain Shortland was at the head of one party of them, and he was forming a line across the yard, which after he had done, he told them to charge; that the soldiers did charge on the prisoners, who ran back into the prison yard, and Captain Shortland and the soldiers followed them to the gate, and as the prisoners got inside the gate they flung one of them to; that Captain Shortland ordered one of the soldiers to fire, and immediately there was a soldier with his musket turned to the right, and Captain Shortland caught hold of the musket and pointed it towards a man that stood by the gate, and said "God damn you, fire;" that directly after this a fire of musketry became general; that this informant went through No. 1 prison and into No. 3, and was in prison No. 3 when the soldiers fired into the prison No. 3; and there was a man called Smith, a shipmate of this informant, wounded, and he also saw a man fall on the inside of the prison, but whether he was killed or wounded this informant cannot say; that this informant did not see any of the officers with the soldiers when Captain Shortland gave the order to fire; that after the firing began he saw some stones, he believes two or three, thrown by the prisoners over the wall into the square—he saw one of them about as big as his fist; that this informant did not observe whether the muskets were elevated at the first firing, but he did not see any man fall, and therefore he remarked to some of the prisoners that he thought

they were blank cartridges; that this informant was not in the yard of No. 7.

DAVID S. WARREN.

Sworn before me,

JOS. WHITEFORD, Coroner.

James Greenlaw, a citizen of the United States of America, on his oath, saith: That on Thursday, the 6th day of April instant, he was in No. 3 yard, near the door of the prison, when he heard the alarm bell ring; that he went from thence towards the railing, at the entrance into the market square, and saw some prisoners in the market square, and at the same time he saw the troops coming through the market gate, with Captain Shortland at their head, and saw him form the men in one line extending across the square, and he then ordered them to charge; whereupon the prisoners retreated into the prison yard, when this informant heard Captain Shortland give orders for the soldiers to fire upon the prisoners; and thereupon this informant ran into No. 4 yard for shelter, and as this informant turned to go back again he saw two black men, whom he did not know, fall; that as soon as this informant thought the firing had ceased, he ran up towards the grating to speak to Captain Shortland, and asked if he would allow him to speak to him, when Captain Shortland said "No, you damned rascal!" whereupon two soldier officers put their swords through the iron railing towards this informant, and one soldier pricked him with his bayonet; that this informant then retreated into No. 3 yard, and he then heard two distinct volleys, and the soldiers shortly afterwards came into No. 3 yard, when he retreated into No. 3 prison, and sat down inside to assist in dressing a wounded man, and a moment after this he heard two distinct volleys fired into the prison, which killed one man and severely wounded another; that this informant did not see any stones thrown from the prison into the square until the firing had commenced, and then he saw two stones thrown over the wall from No. 4 prison; that this informant was not in No. 7 prison yard.

JAMES GREENLAW.

Sworn before me,

JOS. WHITEFORD, Coroner.

Thomas Burgess Mott, a citizen of the United States of America, on his oath, saith: That on the 6th day of April instant, this informant was in prison No. 5, when some persons came to him, as being one of the committee for the prisoners, and, in consequence of the information they gave, he procured some assistance, and was going out of the door of the prison to go towards a wall which he understood some men and boys were breaking, to prevent it; and just as he came to the door of the prison he heard a fire of musketry, as from the gateway of the market square, and met a crowd of prisoners retiring to their prisons, apparently in great confusion; when most of the people had passed, he met a man between No. 5 and No. 6 prisons, who was wounded and bleeding very much, and the man leaned on this informant, and he was proceeding towards

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the gateway to take him to the surgeon, but the fire of musketry and balls came so thick that he stepped forward a step or two to request permission to take the wounded man away, but he believes he was not heard; that he then turned to the back of No. 5 cook house, out of the way of the fire, where several others were standing, and they had not opened a fire from the ramparts of the lower wall which commanded the lower door of No. 5 prison; but as this informant and the others turned from the place to go into the prison, a fire of musketry was discharged towards the only door which was open of No. 5 prison, and shortly after this informant saw two men in the prison dead, but he does not know their names himself, or where they were killed, and he saw also several others wounded.

THOS. B. MOTT.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

Enoch Burnham, a citizen of the United States, on his oath, saith: That on Thursday, the 6th day of April instant, about half-past six o'clock in the evening, he went to the railing of the market place, and remained there about half an hour, when he saw a crowd of the prisoners making a noise, but the principal part of them were youngsters, full of mischief, and they came, some of them, between the two railings, and he saw seven or eight go into the market square, but there was no great body there; that at this time he saw some soldiers come down the square, and Captain Shortland with them, and the soldiers charged upon the prisoners, who retreated into No. 1 prison yard, without making any resistance; that this informant remained at the gate when the military began to fire, and at this time there was no crowd of prisoners within the gate—there might have been forty or fifty men; that when the firing commenced he retreated into the prison yard, and lay down by the wall, and the prisoners who were about the gate also retreated; that this informant lay by the wall about five or seven minutes, when this informant went up by the barrack wall, towards where there was a hole, and the soldiers then began to fire from the ramparts of the south wall, when he went to No. 7 prison, and got as far as the steps, when a heavy firing again commenced from the wall, and this informant lay down, to save his life, for about four or five minutes, and then got into the prison, and was going through to go to his own prison, and had got to the steps, when the firing commenced from the platform next to the south corner; whereupon he retreated into No. 7 again, and went into the north end, and saw one prisoner in the yard who appeared to be wounded, and he ran back against the wall, and he saw several soldiers raise their muskets and fire at him, and he fell immediately, but this informant does not know who the man was; that this informant saw the wounded man lift up his hands towards the soldiers before they fired; that this informant did not see any stones thrown, but he heard some of the youngsters

speak about throwing stones; that he did not hear the word to fire given, and he was near the gratings; when the military first began to fire they were at some distance from the gratings.

ENOCH BURNHAM.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

Robert Holmden, first clerk to Captain Shortland at the prison of war at Dartmoor, on his oath, saith: That on Thursday, the 6th day of April instant, Richard Arnold, the turnkey, reported to this informant that the prisoners had got over the iron railing, near the south guard; whereupon he (this informant) went to an officer on the ramparts, and from him understood that a guard was going in to turn them out, and, on returning to the entrance gate, he met the guard going down; that there was also a rumor that a hole had been broken in the hospital wall; whereupon he went and reported it to Captain Shortland, who came out of the house, and went with this informant to the entrance gate, when they understood the hole was in the barrack wall, and Captain Shortland, with Sergeant Manning and some soldiers, went to the barrack yard, and found that a hole large enough for a person to creep through had been made; that Captain Shortland cautioned some prisoners who were looking through the aperture in the wall, and recommended them to retire, but they remained there; and a guard was left at the breach, and Captain Shortland and this informant returned to the entrance gate, and had not been there long when it was reported to Captain Shortland that the prisoners had forced one of the lower iron gates; whereupon Captain Shortland ordered the alarm-bell to be rung; and as soon as the guards could be collected, he went with them into the market square; and at this time he (this informant) saw a great number of prisoners coming up the north side of the yard in a riotous and disorderly state; that after a short time had elapsed, he (this informant) heard one shot fired, which was followed by several others; that he did not go down among the prisoners, or see what took place there.

ROBERT HOLMDEN.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

Homer Hull, a citizen of the United States of America, on his oath, saith: That he is in the prison No. 3; that on the 6th day of April instant, he (this informant) was walking in the lower part of the prison yard No. 7, about six o'clock in the evening, when, in consequence of a report he heard in the prison, he observed some drunken men breaking down the wall which separates the barrack yard from No. 7 yard; and one of the soldiers called from the wall at the corner of the barrack yard, and said, "Go in, men; they are going to charge upon you." That this informant went away towards the prison No. 3, and had to go out of No. 7 yard, near the market square, when he saw some drunken men, about half a dozen in number, at the gate leading

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into the market square, attempting to force it; one of them had a small iron bolt in his hand, and they succeeded in getting the gate open; that the man who forced the gate went a few yards into the square before any followed him, and then some others went in; that just at the time the gate was forced open, he saw some soldiers come into the market square at the upper gate, and Captain Shortland was with them; and at this time this informant thinks there were about sixty men in the square; that the soldiers marched about two-thirds of the way down, when Captain Shortland gave the soldiers orders to charge, and the soldiers accordingly charged, when the prisoners retreated into the prisons, and one of them shut to the gates; and the soldiers marched down a little further, when Captain Shortland ordered them to fire; that this informant went to his own prison, and tried to get in, but the crowd was so great that he could not succeed; that he tried at other prisons, but could not get in, and *there succeeded*;* that the alarm bell had not been rung when the soldier first ordered them to go into their prisons; that this informant heard the alarm-bell ring just after the man ordered them to go into their prisons; that he did not see any stones thrown before the musketry began to be discharged, but afterwards he saw a stone thrown from the prison yard towards the square.

HOMER HULL.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

Robert McFarlane, assistant surgeon at the prison of war at Dartmoor, on his oath, saith: That on Thursday, the 6th day of this present month of April, about seven o'clock in the evening, or rather afterwards, he was at the outer gate of the prison, when he heard the alarm-bell ring, and immediately went to the lodge, and seeing the guard drawn up in line in front of the guard house, he observed Captain Shortland walking by himself from the barrack yard towards the guard; that this informant turned round and looked down the market yard, and saw a multitude of prisoners proceeding up the square; whereupon he went down with Dr. Magrath, who came just at this moment, and began to reason with a number of prisoners there on the unnecessary steps they were taking; that some of them seemed to pay attention to what this informant said, and turned aside towards the prison, but others said they were not prisoners of war, and that they were determined to be out—one of whom had a stick behind his back, in his hand; that this informant saw Captain Shortland reasoning with a number of them to go back into the prisons, but they used very abusive language towards him, and this was in front of the guard; that this informant had taken two by the shoulders, and was insisting upon their going back; and, on looking back, the guard had charged, and this informant with great difficulty got himself extricated from between the bayonets; that by the

time this informant got to the rear of the guard a single musket was fired, and immediately after several others; that this informant heard no order given to fire; that Captain Shortland was at the south end of the guard, and this informant thinks if he had given orders to fire he must have heard it; that at the time the first musket was fired, nearly one-third of the market square was filled with the prisoners, making a great noise in a very riotous and disorderly manner, and stones were throwing by the prisoners from all quarters, and one large stone fell about a yard from this informant; that immediately after the firing commenced, and this informant had got to the rear, he went away to the hospital; that from the number and size of the stones which were thrown, if he (this informant) had been obliged to remain on the spot where the soldiers were, he should have apprehended great danger to his person.

ROB. MCFARLANE.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

John Tozer, one of the turnkeys at the prison, on his oath, saith: That on Thursday, the 6th day of April instant, about seven o'clock in the evening, the turnkeys were called into the market square, and he found that it was to take up some dead and wounded prisoners; that he went to the lower market gate, and just inside the gate he took up a black man dead, and assisted in carrying him to the bathing place in the hospital; that the man appeared to be about thirty; but this informant should not know him again.

JOHN TOZER.

Sworn before me,

JOS. WHITEFORD, *Coroner.*

Joseph Manning, sergeant in the first Somerset regiment of militia, on his oath, saith: That on Thursday, the 6th day of this present month of April, about seven o'clock in the evening, he was in the military way when he saw Captain Shortland, and reported to him that the prisoners had made a hole in the wall leading to the barracks, and he went with this informant, an officer, and some other persons, to see it; that this informant kept before Captain Shortland, and went away to the breach first, and saw the prisoners pulling the wall, and he desired them to desist, but they gave him abusive language, and he then took a musket and threatened to fire at them if they would not leave off, and they then drew back a little; that Lieutenant Avelyn then interfered, and put his head in the breach, telling them if they did not desist the consequences would be serious; Captain Shortland then inquired for Major Jolliff, and, by Captain Shortland's directions, this informant went to call Major Jolliff, and met him between the south guard and the barracks, when he ordered the troops to be formed, and put himself at the head of the grenadiers, and before Major Jolliff had gone ten yards from the south guard gate the firing commenced; that this informant, by Major Jolliff's orders, remained behind, to assist in form-

* So in the original.

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ing the regiment; that it was impossible for Major Jolliff to give orders to fire, as he was not near the spot where the firing first began.

JOS. MANNING,
Sergeant 1st Somerset regiment.

Sworn before me,
JOS. WHITEFORD, *Coroner.*

Examination at the Guildhall of Plymouth, on Friday, the 21st of April, 1815.

Present, John Hawker, Esq., one of the magistrates of the county of Devon.

John Rust, one of the committee of the American prisoners at Dartmoor, being sworn, says: The report made of the occurrence of the 6th instant, signed by me, was from the evidence of other persons. About six o'clock in the evening I came from the place where I was taking supper, and persuaded the prisoners to leave the breach; they did go away towards the square previous to the commencement of the firing. At the time I went to the breach the horn had not sounded; it sounded but a few minutes before the firing. I heard the alarm-bell ring before the firing took place; the firing continued at intervals about fifteen minutes. After the firing commenced, I went round the southeast part of prison No. 7, and went in at the southeast door. I saw nothing of the firing in the market square.

John T. Trowbridge, one of the committee, being sworn, says: I made no part of the report from my own knowledge, but I was one of them employed in taking depositions. I was walking about the southeast part of No. 7, near the breach in the wall, which, when I saw it, was about large enough for my body to pass through; about thirty persons were round it; did not know what it was made for; understood it was to get a ball. I remained in the prison yard, seeing the soldiers collect on the platforms. I saw nothing of what was passing in the square. I understood that the soldiers desired the prisoners to go in before the firing took place; the prisoners were not riotous. I heard the alarm-bell ring and the drum beat to arms before the firing; I heard no tumult in the market square before it began; I should have heard it, had there been any, from the place I was in. I do not believe there were many prisoners in the square; it was the alarm-bell which collected the prisoners, at least it made them go out of prisons Nos. 5 and 7. The firing lasted, in a straggling manner, from fifteen to twenty minutes; there were three or four volleys from the market square. I heard no order to fire after the firing from the square; there was firing from the platforms on the wall, from which it continued while the prisoners were endeavoring to get into their prisons; there was firing at No. 5 while they were entering.

James Boggs, one of the committee, being sworn, says: I made no part of the report from my own knowledge. I went into the northeast door of No. 3 before the firing. I understood that there was a man killed in that prison, but I did not state it from my own knowledge.

Amos Wheeler, sergeant of the north guard, being sworn, says: I was with the guard on the evening of the 6th; another sergeant was with me; assembled the guard by order, I believe, of Captain Shortland's clerk; had orders to march to the west guard house. On arriving, was ordered by the clerk to order arms; remained about ten minutes, and was then ordered by Captain Shortland to march to the market square; the officer of the guard was not then with it; our force was thirty-eight, besides two corporals; about five or six of another guard went into the square about the same time; the west guard was employed at the breach; there were not many prisoners in the market square when our guard entered. The alarm-bell had rung before we marched. When we entered, the prisoners were endeavoring to burst the gates below; cannot say whether the alarm-bell preceded the bursting of the gates; when they had succeeded in bursting them, there was a great rush towards the soldiers; their number kept increasing, until the space between the iron railings was quite full. They threw stones at the soldiers before there was any firing; they were not armed with anything that I saw; they appeared in the square nearly at the same time as my guard; they made the greatest push towards our left flank, where the guard was weakest; I was on the left flank; the prisoners were desired to go back, but they did not; they pressed on, and made a greater resistance against us. Then Captain Shortland ordered the soldiers to bring their muskets down to the charge, but, not advancing upon the prisoners, it appeared to have no effect upon them. I believe Captain Shortland was in front of the guard at this time, desiring the prisoners to go back. I saw none of the prisoners wresting the arms from the soldiers; I saw none of them attempt to seize the arms. The guard pressed to the left, to keep from being turned, by which I was thrown in the rear. Many more soldiers came from different parts before the firing commenced; I heard no order to fire, nor do I know how it began; did not hear any of the prisoners challenging the soldiers to fire; at this time there might be about two hundred prisoners in the square; they were much more numerous than the guard. I did not see the officer of the guard at this time. The firing was in an independent manner, three or four muskets being discharged at a time. After the firing commenced, the prisoners began to retire towards their prisons. I did not hear any cheering among them, or see them rally after the fire; think I must have heard it, had there been any cheering. I do not think that the prisoners could have been made to retire without firing; the soldiers might, by killing them with the bayonet, have dispersed them. I did not go into the prison yard. I did not hear of any firing of my guard after the prisoners had retreated.

John Saunders, private in the first regiment of Somerset militia, one of the north guard, being sworn, says: I was with the first party of soldiers that marched into the market square; at that

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time the gate was broken open; the prisoners were coming through in a crowd as fast as they possibly could; the alarm-bell rung at the time we reached the west guard house; the officer of the guard was with us, I believe; I believe it was he who ordered us into the square. The west guard was marched in nearly about the same time; fifteen file were told off on the left, whom Captain Shortland, after some time of discourse with the prisoners to make them retire, ordered to charge; with some difficulty we got the prisoners back to the gates; some of them were retiring through the gates. I do not know that any injury was done to them until after they were inside the gates; had, till this, heard no firing. The square was nearly clear of prisoners before the firing; they did not return into the square, but threw some stones through the rails. I heard the word "fire" given, but do not know by whom. There were no prisoners in the market square when the first shots were fired. The prisoners had the command of the gates, so as to open them when they thought proper. I fired my musket. The prisoners closed the gates after them, which we opened, and we received orders from the commanding officer to charge the men to their prisons. No muskets were fired in compelling them to their prisons. Just before the firing, the prisoners were throwing stones, and insulting the soldiers, calling out to them to fire. Saw no prisoners attempting to wrest the arms from the soldiers. Several shots were fired into prison No. 3; they were fired into the doorway; they were fired by two or three soldiers. I heard no order given for this fire, and had heard none to cease firing; there was much disturbance among the prisoners going in, and a stone was thrown out, which I saw myself. The turnkey was then near the soldiers, close to the door, and was endeavoring to shut it; the prisoners were willing to go in, and the turnkey could not close it; they stood at the door, challenging the soldiers, and offering to fight them if they would lay down their pieces; this was before the firing into the door; it was locked up immediately after the fire; do not think I could say rightly who the soldiers were that fired into the prison.

William Smith, private of the first Somerset militia, being sworn, says: I was on the north guard on the evening of the 6th of April. I marched into the market square with the guard. As we were going into the square, the prisoners were coming through the gates in a violent manner; the alarm-bell rang before we entered the square, while we were at the west guard house. I was one of the fifteen file ordered to charge; the prisoners fell back when we came down to the charge, but, after a little while, advanced again. The prisoners fell back to the gates, and had partly gone through before the firing began; I heard no order to fire; do not know the soldier who fired the first musket; was not near him; the prisoners had not come back upon our left when the firing began, and after the charge, but they were throwing stones, (one of which fell about a yard from me,) and were abusing the

soldiers, daring them to come on. The firing was in an independent manner, one after another, till nearly all the guard had fired, and then they loaded again; no order was given to fire; do not know of any soldier having fired into any of the prisons; do not know how long the firing lasted. After the prisoners had returned into their yards, we went into them, to see if there were any stragglers about. When I went into the yard, did not hear any firing from sentinels on the walls.

John Tutt, private, being sworn, says: I was on the north guard the night of the disturbance; the alarm-bell rang when I was at the west guard house, before I entered the market square; about forty or fifty prisoners had burst into the square, through the gate next the hospital, when we marched in. I was one of the fifteen file ordered to charge; cannot say exactly who ordered us to charge, but think it was Captain Shortland's voice. The prisoners were so close to me that I had not room to come down to the charge, and drove them back to get room. We advanced upon them at the charge. While charging, a stone, of seven or eight pounds weight, knocked off my cap, I stooped to pick it up; was not knocked down, but somewhat stunned, and the plate of my cap was bruised; the firing began directly; the prisoners resisted greatly while we were charging; they resisted up to the time we fired. I think there were about one hundred prisoners in the square when the firing began; after they were driven back, there was much firing into the prisons; saw one soldier firing into prison No. 1; the prisoners were throwing out stones at the time; they were all nearly in when the firing into No. 1 took place, but some were still pushing in at the doorway; the turnkey was endeavoring to get near the door, but was not in front, in consequence of the stones thrown out; I heard no order for the firing in the square; it commenced while I was picking up my cap; saw no more than one shot fired into No. 1.

William Rowles, private, one of the north guard, being sworn, says: I was one of the fifteen file told off in order to charge. Captain Shortland gave the order to charge. I could come down to the charge, and did so; and those near me advanced at the charge upon the prisoners, who would not retire at first, even when the point of the bayonet touched their clothes. We advanced on them about eight or ten yards down towards the gate. A great many of them retired through the gate before there was any firing; they aggravated the soldiers by insulting and abusive language, and dared them to fire. I heard an order to fire, but do not know from whom. When the firing began, the prisoners were rushing again through the gate, into the square, and throwing stones over the platform. I suppose there were twenty times more prisoners in the market square than soldiers before the firing. I entered the prison yard, saw a soldier level his musket into prison No. 3, who was then about five or six yards from the door; many prisoners stood at the door in a resolute manner, and would not let the turn-

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key shut it; the doorway was as full it could as hold; they threw out great stones, as big as my head. I heard no order to the soldier to fire into No. 3; saw no officer there at this time. I was telling the prisoners to go into the prison, when one of them endeavored to wrest the bayonet from my musket, but I drew it back in time to save it; this was before the firing into the doorway. I believe that there was no more than one shot fired into No. 3; after it was fired, the prisoners went back, and allowed the turnkey to shut the door.

John Hamlet, private, one of the north guard, being sworn, says: I was the right hand man of fifteen file told off to charge; I heard the order given to charge by Captain Shortland; I immediately came down to the charge, having room enough; we advanced a short distance; we could not advance far, owing to the prisoners being so near; they did not retire very fast; cannot exactly say how many prisoners there were in the square when we began to charge, but suppose there might be a hundred; we used all possible means to make them retire, but some were so obstinate that they advanced even to the points of the bayonets; others, however, retreated; they were very abusive, and throwing stones; many dared us to fire. I was struck with a stone in advancing, on my right knee, which nearly knocked me down, and I very narrowly escaped another blow on my head. I received the blow after the firing commenced; our charge with the bayonet made some few of them retire through the gates; the greater part, indeed, retired through the gates, and remained on the other side throwing stones. Before the firing, and after the charge, some returned back through the gates, and advanced; some advanced even after the first fire; they shouted and cheered while advancing, which was intended to animate others to persevere like themselves; numbers of the first muskets fired were elevated in the air, some were elevated to the centre, I did not see any one fall on the first fire; the firing was not in volleys. I followed into the prison yards; did not see any firing into the prisons; after the firing had been kept up for some considerable time, the prisoners retreated. I heard an order to fire given before any firing took place, but do not know by whom. I do not think the prisoners could have been driven back without firing, unless great slaughter had been made of them by the bayonet. I cannot positively assert whether there was any firing on our right besides that by ourselves.

John Williams, sergeant, being sworn, says: I was on the south guard the night of the disturbance; our guard entered the market square after the north guard, and formed to its right; our number was about forty; it consisted of fifty-one, but had several sentries out. The firing had not commenced when we formed upon the north guard; it began about ten minutes or a quarter of an hour after we had formed; we were formed just about the time the north guard charged; when we formed, there were about one hundred prisoners in the square. I think they were more

numerous than the soldiers; the line of soldiers almost occupied the breadth of the square, but there were not enough to form it completely across; there was an opening between our guard and the north; the prisoners did not fall back for some considerable time after the charge; they were throwing stones through and over the rails, and abusing the soldiers, when the firing began; I heard no order to fire; our officers never ordered us to fire; our guard, seeing the state the prisoners were in, and the north guard fire, began firing of their own accord, but not in volleys, and then the reports made prevented us hearing what was going on; the north guard fired first; at the first fire the prisoners ran back through the gateway, but afterwards many returned again to the gate, but did not advance through on us; heard cheering, and did not know whether they would not come out on us. I did not go into the prison yard, nor did any of our guard; our officer kept us in line till the prisoners were all locked up. I do not suppose the prisoners would have gone back without firing, because they did not appear to retire even when the bayonets were quite close to them. I heard the firing for some minutes after the prisoners had retired through the gate.

John Twyford Jolliff, major commanding, being sworn, handed in a statement, of which the following is a copy:

APRIL 7, 1815.

Yesterday evening, between the hours of six and seven o'clock, soon after the officers' dinner, the mess waiter came into the mess room, and said that the American prisoners had broken out of the prison, and were attempting their escape. I immediately ordered the troops composing the garrison to fall in at the alarm-post. Whilst the troops were forming I heard several shots fired, upon which I immediately took the grenadiers, and proceeded to the west guard, supposing that the prisoners were actually coming down the military way (as it is called) in great bodies. Upon my arrival at the west guard, several of the troops were formed in the market place, and had fired some shots. I immediately called out to them to cease firing; and finding that the prisoners still refused to go into their prisons, I took a party of grenadiers, and went into two of the prison yards, and told the prisoners to go into their prisons, which they very reluctantly did. Several stones were thrown at the military, and two at myself, one of which came very near me. The military fired a few shots at the prisoners in the yard, in consequence of their throwing stones and refusing to go into the prison, but the firing was without my orders, and I conceive took place owing to the military being so exasperated. As soon as the prisoners were all gone into their different prisons, and properly secured, I returned to the barracks, having ordered the guards to be reinforced, and the troops to be ready to fall in at a moment's notice. It appears that they had selected the hour of the officers' dinner to begin their operations, supposing we should not be ready.

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Major 1st Somerset militia.

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Understanding that evidence has been produced to prove that a bugle sounded the signal to fire, I beg leave to observe, that I was first apprized of this circumstance after my return from Dartmoor. I never gave, as commanding officer, any order, directly or indirectly, to that effect, nor did I hear previously any report that such a circumstance had taken place.

J. T. JOLLIFF,

Major 1st Somerset militia.

He further says: There was no general order that when the soldiers on sentry heard one of them fire, they should consider it an order to fire also; but I suppose they might so consider it. One man fired into one of the prisons, which arose, as I believe, from exasperation, on being struck by a stone thrown by of the prisoners. I did not see any one put his musket into the door to fire. Several shots were fired in the prison yards, but entirely without any command.

George Pitt, sergeant, being sworn, says: I was with Major Jolliff among the grenadiers in the prison yard, and he used all the means in his power to prevent the firing: I heard him crying out to the men to cease firing.

Henry Burgoyne, private, being sworn, says: I was on the platform at the bottom of the market square. A prisoner came with an iron bar, who, upon hearing a shout from the prisoners at the breach, when a piece fell out of the wall, which I heard, broke the gate open immediately, by striking off the lock, and the prisoners rushed through; and when we left the platform they pressed very much upon us; they were as thick as they could be; the alarm bell was ringing about this time; the yard where the break was, was as full of prisoners as it could be. I belonged to the west guard. I did not see any prisoners wrestling the arms from the guard. I could not see the breach on account of a projection of the wall, but heard the bar at work; they were quite thick down to the prison, waiting, I suppose, till the breach was made; the horn had sounded as usual for them to go in, but, instead of going in as they usually did very quietly, they came out; they pressed on us so much that we were forced to fall back; after we came to the charge they would not retire, and, being unwilling to stab, we were forced to give back. I heard an order to fire; but do not know who gave it. I did not observe how the first muskets were levelled.

Edward Jackson, private of the Derby militia, being sworn, says: I was on the platform 18 and 19, between prisons Nos. 5 and 6. I think there had been two volleys in the market square before the men on this platform fired; myself and another sentry were posted on the platform; we had not fired before some soldiers came up on the platform; I never fired; it was the men who came up; I cannot say whether the sentry fired; they fired into the yard up towards the gate; there were a great many prisoners at the upper part of the yard; I did not see any firing into the prisons. There was one or two officers on the platform; no order was given to fire on my platform;

to the best of my recollection, I think I heard a command "to commence firing from the right." The prisoners were all in a great body, near the gates at the top of the yard, when the firing commenced, and, after the firing, they retreated to their prisons. When I was placed sentinel, several prisoners were inside the palisades clodding one another; some soldiers charged them out of it; there were two rounds of firing from my platform; there were about twenty soldiers on it, but cannot say exactly; it was full of them; I could not see the breach; I saw no tumult in the yard before the firing in the square, except the clodding; I cannot say I heard the alarm bell ring.

Adjourned till to-morrow.

Examination at Dartmoor prison of war, on Saturday, the 22d April, 1815.

Present, Paul Treby Treby, Esq., one of the magistrates for the county of Devon.

Thomas Burgess Mott, one of the committee of American prisoners, sworn: (A letter had been handed in by Captain Shortland, signed in this witness's hand, and addressed to Captain Shortland, requesting his release, and stating that "although he had been called on by the respectable part of the prisoners to inquire into the cause of the late unfortunate affair, neither his depositions nor conduct appeared to show that he would wish to lay the blame to Captain Shortland, but on the contrary, for which he had since been insulted by those men that were and had been the occasion of the late unfortunate affair.") There never has been, to my knowledge, any concerted plan among the American prisoners at this prison to break out. I have never been insulted by any of the men supposed to be ringleaders in the late affair, but, on the contrary, the prisoners think I was doing everything in my power for their benefit. The letter handed in by Captain Shortland was written for me by another prisoner, to get me clear in any way; it was not signed by me; I told him I would give him a pound if he got me released; it was written without design to injure anybody, and merely to get me clear, as my turn of release was not near; I never read the letter; I was one of the committee who made the report to Mr. Beasley; some part of it was from my own knowledge, and some part of it from the testimony of others. I saw a crowd where the hole was, but did not think it was occasioned by anything but gambling, till I was called upon by the prisoners to go and make them desist from the hole. When I was in the yard of Nos. 5 and 7, and when the firing into it from the platform took place, there was no tumult; there were then but few persons in it; I was not in the market square; I think the making of the hole was merely through mischief, but not at all to get out, for I do not think twenty would have wanted to go out if the gates had been open; I do not know particularly of any subject of complaint shortly before the affair; I do not know of any one who complained before Admiral Rowley of the American Government; I was present the whole time; I do not

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know of any particular uneasiness among the prisoners at present, or any cause of complaint of their treatment; they are a little impatient to be sent home; there has been frequent little vexatious interruptions to the market, &c., on slight grounds; I did not see any one shot, though some fell close by me; I did not hear the horn sound before the firing.

Walter Colton, one of the committee, being sworn, says: None of the report was made from my own knowledge, but entirely from examinations. I am confident there was no disposition on the part of the prisoners to break out; had there been, I should certainly have known it, because I was in the constant habit of going through the prisons, having much business with the prisoners as one of their committee. It is impossible but it must have been known had there been any. Had the gates been thrown open, not more than a hundred would have gone out: those who chose could have got away on the 4th. The first I heard of the disturbance was the firing; I was then in No. 3; did not hear the horn; it is not generally heard inside; there was great irritation against Captain Shortland before the disturbance; this was owing to acts of barbarity on his part. I speak from my own knowledge. Instead of doing things to make them comfortable, he did quite the contrary. He has kept two prisons, the best and most comfortable, shut, when it was in his power to have opened them; the prisoners remonstrated against this, but it produced no effect, while they were turned into prisons open at top, and floating with water two or three inches deep; this was No. 2. There was a plan formed in No. 6, one of the best and most commodious prisons, two several times, to dig out, which was both times discovered by Captain Shortland, and on the second occasion the prisoners were turned into No. 2; they were, however, only kept there two nights, and then returned to No. 6; I call this an act of barbarity. Captain Shortland never returned any answer to our application to go into the empty prisons; I know of no statement of complaint against the American Government, previous to the late affair; there have been often complaints of neglect against Mr. Beasley, but not against the American Government. Another act of Captain Shortland was: about the time of the attempt to dig out, there were some bars broken in one of the prisons, in consequence of which, and the digging out, I suppose, one-third of our provisions was stopped for ten days. I know not what it was for, unless for this and the digging out. Captain Shortland frequently stopped our provisions in the same way, without giving any reason. There has been no particular uneasiness among the prisoners to get out, since the account of the ratification of the treaty, and I know of no acts of violence among them in consequence; they were only anxious to be sent home, and expressed their opinions about it.

William Hobart, one of the committee, being sworn, says: Some part of the report was made from my own knowledge, but not much; I was in the lower part of the yard Nos. 1 and 3 when

the alarm-bell rang; I had not heard the horn sound to go in when the alarm-bell rang; I expect I should have heard it; it can generally be heard all over the yard; when I heard the bell I walked up to the railing next the market square to see what occasioned the alarm; when I got within a few yards of the railing, saw the soldiers coming into the market square. I think there must have been four or five hundred soldiers in the square before the firing began; there were many there, and others marching in and forming; I heard no orders to fire; the prisoners were coming up, as I was, to see what was the matter; I returned immediately to my own prison. There were two volleys fired into a prison, into No. 3; most of the prisoners were retreating after the first volley; I had been in about five minutes before the firing; was on the second floor; did not see the soldiers who fired, but heard the report; and when I came down, saw marks of balls within; there were no stones thrown from the second floor; should have known it, as I was walking with some others. There were several lines of soldiers drawn across the square; a few prisoners were at the bottom of it then, but they were not so numerous as the soldiers; I am fully confident there was no intention to break out. I heard no shouting or threats against Captain Shortland when the firing commenced. The prisoners did not cheer in the yard I was in, nor in the market square, while I was present. Captain Shortland has behaved in a very tyrannical manner towards the prisoners; he stopped the market for ten days for a very trivial occurrence, and part of the provisions for the same length of time; do not think there was any intention among the prisoners to revenge themselves on Captain Shortland; there has been some irritation against Mr. Beasley latterly, because they thought he was somewhat dilatory in preparing carts, but there were none whatever against the American Government; there was a report that vessels of war would come from America to take prisoners, but even when first started it did not gain much credit; the upper stories of Nos. 2 and 4 have been unfit for the men to live in, very open, and sometimes afloat with rain.

William B. Orne, one of the committee, being sworn, says: I saw a little of the affair stated in the report, but the principal part was from the examination of others. I was walking between No. 7 and the barrack wall; did not observe that many prisoners were there; they are always so numerous in the yard, that one might not observe whether there was a crowd or not; I heard no bar breaking the wall; went into my own yard, Nos. 1 and 3; the prisoners were almost all in. I heard the alarm-bell, upon which I walked up to the railings, and saw the soldiers firing on the prisoners; could not tell the number of the soldiers, but the yard appeared to be full; it appeared to me, from the number of muskets I heard, that the whole regiment must have fired several volleys. I went behind the cook house, and heard the balls flying in all directions; the prisoners ran up to the railings from curiosity; was not

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near enough to hear an order to fire; after firing a few volleys, they opened the gates, and charged the prisoners in the yard, and, after they were in their prisons, they fired in; I heard that shots were fired into No. 3—into the door; saw no stones thrown out of No. 3; saw only one stone thrown into the square; the firing appeared to me to last fifteen or twenty minutes. I heard a noise among the prisoners, but no particular shouting or cheering; saw the greater part of the prisoners run; after the first fire, every man secured himself as well as he could; there appeared no interval in the firing; it continued all the while, until the soldiers opened the gates and went into the yard. I knew of no intention whatever among the prisoners to break out; we were then daily expecting cartels.

Niel McKinnon, prisoner, being sworn, says: I was in the yard No. 7 before the alarm-bell rang. I saw some men making a breach in the wall. At first, there were only three or four, but afterwards they increased to about twenty or twenty-five, standing round. I can ascribe this conduct to nothing but mere wantonness; can ascribe it to no other motive. I staid till the hole was made, and they began to throw things at the sentry. I saw the sentry put his bayonet through as a warning; he desired them several times to go away. I belong to another prison. I came to the gate. I heard the alarm-bell ring before I came. I saw a turnkey looking in the direction of the breach, and, expecting that the military would be called out, I went to gate No. 4. I remained there a considerable time, until the troops were drawn up in line; they then charged. I could see into the market square. I saw the prisoners between the railings, and the soldiers in front of No. 4 gate. My attention was engrossed by what was before me, and I did not observe how many there were to my right at No. 1 gate. I heard an order given to charge and fire, but do not know by whom. At this time the prisoners were daring the military, but not expecting they really would hurt them. Cannot say I saw any stones thrown. I saw the first fire, but did not observe the elevation of the muskets. The prisoners retreated after the first fire, but I heard them shouting and rallying—cheering each other—and I think I heard them again dare the soldiers to fire. I heard several say they thought they were blank cartridges; I gave it as my opinion. I went down towards my prison, and was told on the way that Haywood was killed. I went to see, and saw a black man lying within the inner gate of No. 4. I then went up to the gate to speak to Captain Shortland. The turnkey let me through, and I told Captain Shortland that a man was killed, and begged him to make the firing cease, and not to be wasting the lives of the prisoners. He told me to go to my prison. I spoke to the officer apparently commanding the guard to the same purport, who said there should be a truce if the prisoners would go to their prisons. Captain Shortland knew me personally. I was going to No. 1 gate, and saw several persons at the door of the receiving house, with two or three wounded

men. One of these persons was drunk, and abused the soldiers, who did not appear to attend to him so much as they might, had he been sober. I went down to No. 4 yard. While going down the yard, a volley was fired into it by the soldiers in the market square. There were many prisoners then in the yard. I did not see more than one line of military in the square; it was two deep, and extended almost across. Was going up the yard, when I met a party of military with an officer, driving along four or five prisoners. I went up to the officer, (who I understood afterwards was Major Jolliffe,) and remonstrated with him on the harsh treatment the prisoners were receiving. He put his fist in my face, and swore "by God, they would not trifled with any longer by us," (the prisoners.) I was then driven with the rest into No. 4, the sergeant having his halbert close to one of the prisoners, and the soldiers their bayonets charged. I entered the prison with my face to the soldiers, until I was so far that I thought I was safe, when I turned my back, and at that moment a musket was fired close to me, which wounded a little boy, who screamed and dropped down: he died the next day. There were no stones thrown out when the shot was fired, nor any insulting language used towards the soldiers. The prisoners were crowding round the door, not being able to get in fast enough, but there was no tumult among them. I heard no order to fire the shot. I heard the report near me. The doors were then locked up. I have not the least belief that there was any concert or intention among the prisoners to break out. I did not know the arms were kept in the barrack yard, nor do I believe it was generally known among the prisoners. I think the breach and the breaking of the gate were only acts of wantonness, like throwing turf at each other. There was a good understanding between the prisoners and the soldiers, particularly the Derby militia; they used to be of assistance to them when the markets were stopped. The Somerset regiment was not up to so much as the Derby. I think the sentries were removed from the yard to prevent communication with the prisoners, not through any fear of them. If there had been any concert, they would have made some preparations; but there did not appear any among them, as the gambling tables were not removed from where they usually were. I have since seen some who broke the wall, who have expressed sorrow for what they had done, from the consequences resulting from it, but declared they had no intention to escape.

Francis Joseph and Henry Allen, the two remaining of the committee, knew nothing of their own knowledge, and were, therefore, not examined.

John G. Gatchell, prisoner, being sworn, says: I belong to No. 7 prison. On the 6th of April, between six and seven in the afternoon, while walking in that yard, I heard a report that some boys were making a hole in the wall. Being in the yard abreast of the market square, I saw Captain Shortland coming down the market square at the head of a party of soldiers; they

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were formed in a line, and began to fire immediately. I did not see any prisoners then in the square; a few were between me and the railings. I could have seen any who might have been in the square. I saw no charge of the bayonet. I heard an order to fire, but do not know by whom; at the first volley one man fell about four yards from me. I went to him, and asked what was the matter; he said he was wounded in the breast, but I did not believe it, thinking it impossible, till I felt it. I called assistance, and was trying to get him to the receiving house, when Captain Shortland entered No. 7 gate with two soldiers, and said something which induced the two others to run away and leave the wounded man with me; upon which, Captain Shortland, seeing I did not run, said, "Kill the damned rascal;" the soldiers charged on me, and a bayonet pierced my clothes and skin, going in about a quarter of an inch. I was then forced to leave the wounded man and run, when a soldier followed me; and Captain Shortland, urging him on, repeated several times "Kill the damned rascal." While running on I was pricked three times, and should have been killed, but, stepping aside, the bayonet ran under my arm; and the soldier, with the force of the thrust, fell on his knees, by which means I escaped into the prison. There are four doors to No. 7 prison; all but one were shut, which one was exposed to the fire; all the prisoners were crowding to one door; the door left open was the one which was usually so; but the doors were shut, I think, sooner than usual, and the prisoners were trying to get in at the shut doors; the prisoners being pursued by the soldiers, all crowded to one door, one over the other, and, being unable to get in fast enough, were wounded by the bayonets of the soldiers pressing behind. While getting in No. 7, I saw Captain Shortland running down the yard towards No. 5 with the soldiers, and heard him order them to fire; am quite sure I heard him order them to fire; he was facing me at the time; was running towards No. 5, and ordering them to fire as they ran, which they did; cannot positively say he had arms in his hands when coming down the yard. I did not see that the soldiers hesitated to fire when ordered; they did fire. Never had any personal altercation or difficulty with Captain Shortland; never spoke to him, nor been spoken to by him. Do not think there was any intention to break out. The firing in the yard was after that in the market square; two soldiers came in the gate abreast of Captain Shortland, but many followed him—thirty or forty, perhaps. After the soldiers were in the yard, those on the ramparts did not fire. There were about forty or fifty shots by those in the yard. While the prisoners were running to No. 7, they were cut off by a cross-fire from the ramparts; (he pointed to the place where he was wounded in the back,) was told by others my wound was a quarter of an inch deep; it swelled up considerably, and was very sore, as was the case with all three wounds; was never under any of the surgeons or surgeons' mates.

Andrew Davis, prisoner, being sworn, says: I belong to No. 3 prison. I was at the bottom of No. 3 yard on the evening of the 6th, just before, counting in time, the horn had sounded. On the first report of muskets, the prisoners said they were blank cartridges. I went up to No. 1 gate. When I got there, five or six men were bringing a man who appeared to be badly wounded into the market square; they had brought him inside the inner gate next the square. I heard Captain Shortland order them to let go the wounded man. One of them remonstrated against it, and Captain Shortland struck him with his fist. The man then went outside of the gate into the passage between the two gates, and said to Captain Shortland, "You'll recollect you have struck me twice, and I'll have satisfaction for it." Captain Shortland told him to go into the prison, or he would order the men to fire on him. I then went down to No. 1 prison, and saw no more. The soldiers were drawn up in the square when the wounded man was there, and Captain Shortland in front of them. It was about ten minutes or a quarter of an hour after the firing began that the above transaction took place. One or two volleys were fired after that.

John Odiorne, prisoner being sworn: (His evidence before the coroner being read to him, said he had no correction to make in it, other than it was possible that there might have been some few prisoners in the square, but there were no numbers of them, previously to the drawing up of the soldiers in the square.) I stood on the steps at the cook-house in the market square. I could see the whole of what was passing in the square. The gate was burst about the same moment the soldiers were firing obliquely to the left, after they were drawn up in line. The prisoners rushed in immediately, but not violently. I heard an order to fire, which was from Captain Shortland, as near as I can judge of any man who had his back to me: it was in Captain Shortland's voice. He was about one hundred feet from me. I am as positive as I can be under such circumstances that the order came from him. Captain Shortland appeared to be in a great passion when entering the square: he looked very red, and spoke loud. I am confident there was no disposition to break out. There was very little interval of time between the marching of the soldiers into the square and the sounding of the horn for turning in; the horn was first; the alarm-bill rang nearly at the same time that the soldiers entered the square. The prisoners generally conceived that there was a tardiness in Mr. Beasley's fitting out ships, and there was discontent among them against him, but no complaint against the American or British Governments.

Gerard Smith, prisoner, being sworn, says: I was in the market square with Captain Odiorne, who requested me to stay, after the horn was sounded, till the wagon was unloaded. I told him my prison would be shut, as the horn had sounded, and I would be shut out, and I thought I had better go. I did stay several minutes longer. Seeing the prisoners nearly all in, I said I must

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go. I saw Arnold coming up the square, and saw also Captain Shortland by himself close to the wagon. The captain asked Arnold whether the prisoners were all in. Arnold said, "Sir, they have got two holes in the wall." Captain said, "Damn you, why did you not let me know that before?—go and ring the bell." I turned from Odiorne, bade him good night, and went down to the gates, which were all closed, and I was obliged to get over the railing. When I got over, I saw no tumult among the prisoners. One man told me that some boys had taken some stones out of the wall, and wondered what it could be for. "I do not know," said I, "but I suppose it is through mischief."

Robert Johnson, prisoner, being sworn, says: I know Gatchell; I was at the gate No. 7 when Capt. Shortland spoke to him; I ran directly up to the gate from No. 5; at the first firing a wounded man lay about five or six yards from the gate, on the prison side; Gatchell and two or three others came up to take him, as I suppose, to the receiving house; when he got into the passage between the railings, Captain Shortland came in with two or three soldiers, and told them to go back, or he would kill them; the soldiers followed; in rushing in, Captain Shortland stumbled over the wounded man; Gatchell did not go away immediately; Captain Shortland ordered the soldiers to charge on him; one did charge on him, and another on me; I then made my escape into the prison; I am quite sure Captain Shortland ordered the soldiers to charge; this was after the firing in the market square. At the first fire I was in my berth; had no idea that there would be any disturbance, or that the military were firing with ball. I heard no abusive language from Captain Shortland.

James N. Bushfield, prisoner, being sworn, says: I was present all the time the breach was being made, but was not one of those who did make it; I had no idea it was for the purpose of making their escape, but supposed it was through mere mischief; there were about twenty or twenty-five prisoners round it; they began in the morning; I was there when the sentinel told them to go away, or he would fire; they set up a laugh, and drew back after he put his bayonet through the hole, forming a circle of fifteen or twenty-five feet from the wall; at that time there were not more than twenty-five or thirty people, but afterwards they ran from all quarters to see the hole, hearing the others at it laughing; they knew nothing of it before; I went towards the gate when I heard the first fire, which I supposed was with blank cartridges, until I heard the balls whistle; do not suppose a man in the yard knew there were arms in the barrack yard.

Adjourned until to-morrow, 8 o'clock.

DARTMOOR, Sunday, April 23, 1815.

Met, pursuant to adjournment, at 8 o'clock.

Present: Paul Treby Treby, Esq., one of the magistrates for the county of Devon.

William Clements, prisoner, being sworn, says:

I was most of the evening at prison No. 1, and towards the close of the evening was going to my own prison, No. 7; I saw about twenty or thirty prisoners gathered round the wall of No. 7, and considered they were gambling; going up to it, saw dirt about a breach in the wall, and then several took up stones and threw them at it, in order to force it through. I went down the yard, and came up again, at which time they were still throwing against the breach; they made a hole; I then saw Captain Shortland come up to it with some soldiers on the other side; he spoke through the hole, asking what they did it for; a number answered they had nothing to do with it, and some said they dug it for amusement; Captain Shortland said, if they did not disperse, he would be obliged to fire upon them; he then went away; they then dispersed and some who were digging went into their prisons; I heard no insulting language to Captain Shortland; the hole was then large enough for a man to get through; saw none attempt to get through; I considered the digging of the hole was merely through mischief; a number of small places had been dug in the wall in the course of the day; a great many prisoners were in the yard No. 7—more, perhaps, than usual, it being so fine an evening; I went towards my own prison, and found all the doors but one shut; I heard a great noise at the top of the yard, and went towards the gates; heard many cry out "keeno;" *keeno* is said among the prisoners when anything falls, even in the prison; many cry it out when they do not know what is the matter; I suppose there were about forty or fifty soldiers then in the market square, drawn up on one side; the prisoners were going through at No. 1 gate; the soldiers came down to the charge, and then drew back; the prisoners were not so numerous as the soldiers; I suppose there might be thirty prisoners in the square; they made no opposition; some of them appeared to be in liquor; the prisoners are not permitted to be in the market square; the gates were locked; when the prisoners were driven through the gate, the soldiers fired; they fired into No. 1 gate. I heard no order to fire; was not in a situation to hear it; the soldiers fired right into the gates; did not observe how the muskets were levelled the first fire; I considered they fired with blank cartridges first; this was into No. 1 gate, and there were only a few shots, but afterwards a volley; I saw a man fall at No. 1 gate, when I, with others, attempted to remove him, when another volley was fired in; put him behind the wall; he said he was wounded in the breast; we put our hands there, but felt nothing; he soon died, and then we found the ball had entered his head. At the time of the first fire I heard no abuse from the prisoners, nor saw any stones thrown during the whole time; there was some turf inside the square, which I thought had been brought in by the people who had the liberty of the square; after the first fire the prisoners did not rally or cheer, but were eager to get into their prisons; I cannot say why so many of the prisoners were out at the time; I did not hear the

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alarm bell; a number of prisoners knew nothing of it till they heard the reports of the muskets; saw an officer with the soldiers; the officer was the first man who entered No. 7 yard; it was not Captain Shortland; I saw Captain Shortland in the yard, but whether it was he or the other officer who first came in I do not know; I saw an officer having hold of a prisoner by the collar, and strike him with a sword once or twice; he made no attempt to stab him; I then went into No. 7, and saw nothing more. There was no particular uneasiness among the prisoners, at not being released, only talking about it, and saying they thought it hard; but they were as obedient to the orders and regulations of the prison as before the account of the ratification.

John Hubbard, prisoner, being sworn, says: I was carrying a wounded man to the hospital; Captain Shortland came up to me, (I was then about half way up the market square;) he ordered me to drop the man; I told him I should not, for he was a dead man, and I wanted to take him to the hospital; he gave me a crack on the neck with his fist, and ordered the soldiers to charge on us; I then went back directly, as the soldiers were running towards me, and ran in; they did not follow us any distance; they halted as soon as we ran; when I got in I called to Captain Shortland, and told him, "You will recollect, sir, you struck me, if you are brought to account for this;" he said, "he would strike my damned heart if he had me there;" I am sure of this; I did not threaten him that I would have satisfaction of him. I do not know any of the men who were with me, helping to take the dead man; there were about four or five; the soldiers at this time were drawn up across the square; there had been much firing before this; I saw the soldiers fire into No. 3, after the prisoners were in; I was standing close to the door; I belong to that prison, and mess close to the door; there were eighteen or twenty soldiers at the door, but do not know whether they all fired; I saw the muskets levelled; seven or eight shots struck the stairs, and some went to the other side of the prison; at this time there were five or six prisoners going in at the door; one got wounded on the step; I did not see any stones thrown out, but heard afterwards there was one thrown out.

Homer Hull.—(His evidence before the coroner being read to him, he said it was correct.) I am sure I heard Captain Shortland give orders to fire; I was then about thirty or forty feet from him, near gate No. 4, under the platform; he was then facing me; the first fire was a volley; there were no straggling guns preceded the volley; they fired immediately after they got the word; there was no hesitation. I do not think there were more than three or four prisoners in the market square, in front of the soldiers, at the time of the first fire; they had retreated through the gate, and shut it after them.

James Reeves, prisoner, being sworn, says: I belong to prison No. 1. I was rather groggy that evening. I saw a mulatto man, who was groggy, break the chain which fastened the gate No. 1,

with a bar like a crowbar; the bar was flat and thick, something like a chisel, about two feet long; the alarm bell was ringing at the time he was breaking the chain, before the gate was broken open. I suppose there were as many as fifty persons around the gate; the pressure they made parted the gate sooner. As soon as the gate was open, a great many rushed through into the square; there were about twelve or thirteen; there were a great many between the two railings; they were all hallooing and making a noise. I went out into the square; I was tipsy, or I suppose I should not have done it. I saw the soldiers coming down; they charged upon us immediately, and I then went back directly. I was pricked. I lost my hat, and went to pick it up, when I was pricked again. I went back with my face to them; some turned their backs; but I stood a little more upon going back than I should have done had I been sober. I received two pricks in the breast, and two in the arm. We shut the gate as soon as we could. Captain Shortland was abreast of the gate No. 1, in front of the soldiers. I am pretty sure he was in front of them. I heard him sing out "fire" twice; heard him order both to charge and fire; can swear I heard him order to fire twice; think Captain Shortland was in front of the soldiers; cannot say how he escaped being shot more than myself. I heard no shouting among the prisoners after the firing. After we were inside No. 1 prison, I watched an opportunity, being mad at being pricked, and flung a stone myself out at the soldiers; the soldiers had fired into the prison before I did so. I saw no stones thrown, nor heard any abuse after the charge and before the firing; but, after the firing, the prisoners ran into the yard, and sung out "fire, and be damned," and dared them. I cried out "fire, and be damned," which I did because I was mad at being pricked for nothing, as I thought. Mr. Magrath, the surgeon, spoke to us, and desired us to go back; he said, if any blame was to be attributed to anybody that we were not sent home, it was not owing to Captain Shortland or the English Government, but to Mr. Beasley. Some did go back in consequence, and if I had been sober I should probably have done so too. This was before any soldiers were in the square.

William Mitchell, prisoner, being sworn, says: I belonged to No. 1; was walking in the yard, as were a great many more, it being very fine; did not know anything particular was going on. I saw Nichols, the turnkey, running down, and a great many prisoners with him singing out "keeno;" they ran out of curiosity, to see what was the matter; I did not know what was the matter. About this time I heard first a single musket, and afterwards a volley, and then more. I asked what was the matter? And was told some boys had made a hole in the wall of No. 7 yard. I said, "what do they fire here for?" I went and helped to shut the inner gate of No. 1, and said we had no business with soldiers there. There were not above thirty prisoners there at that time. The soldiers came in. I saw two officers, and spoke

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to one, and asked him why he fired upon people who made no resistance? He told me he had been through the hole in the wall himself. Captain Shortland told the prisoners to go to their prisons. The soldiers came in, charged them to their prisons, and wounded several. I did not hear the horn or the alarm bell. The prisoners do not usually go in when the horn first sounds, till the turnkeys come down and tell them to turn in; they first go and lock three doors, and afterwards the fourth and last.

George Challacumb, being sworn, says: I am a carter, belonging to the prison establishment. I went to Plymouth on the 6th of April with a letter; I overtook a man named Roberts on the road, who had been released from prison that morning; he told me his name was Roberts. I entered into conversation with him; he said he was glad he was released, for he thought that in a few days an attempt would be made to break out of prison. I asked him how it would be done? He said there was talk among the ringleaders that it should be at the time the bread wagons went in, when the iron gates were open, and he feared the consequences would be very great; he said that Slater and Jack Crandall were ringleaders of the whole. I did not mention this at Plymouth. It was ten o'clock at night when I returned, and then the affair at the prison had happened. Next morning I told the chief clerk, Mr. Holmden, what I had heard, and advised him not to keep both gates open at once. (There are on the books two such names as Slater and Crandall.)

Lot Davis, prisoner, of No. 5 prison, being sworn, says: I was walking about half way between the hole and the gate. The cook-house of No. 6 was, I thought, the only safe place from the firing; I tried to get into No. 5, but could not, and remained in the cook-house until next morning. I heard scattering guns firing after the prisoners were all running away, as if fired at single persons crossing the yard.

Samuel Best, turnkey, being sworn, says: On opening the door from the railing towards the receiving house, on the morning of the 5th April, about half-past seven o'clock, a prisoner said to me, "Well, turnkey, how did you like the keeno yesterday?" I told him I did not know anything of it, having been away; but, from what I heard, they had acted very improperly; he said, "damn you, in a quarter of an hour we can have all the bloody walls down." I turned round, and the conversation ended. No other prisoners joined in these expressions; several were round, waiting to go into the receiving house. On the 6th inst., in the evening, when all was quiet after the affray, Mr. Mercer, who assisted in the dispensary, said he hoped the prisoners would not attempt anything again; I replied, it would be quite madness, as they were unarmed, and hoped they would be reconciled. He said it might be different if they were to make another attempt, as they would not be taken by surprise again; and intimated, as I understood, that they had upwards of three hundred pistols and five hundred files, which I under-

stood were sharp and fastened on pieces of wood, and enough gunpowder to blow up the walls. I heard the next day a prisoner say, on the other side of the wall, if they could have got one hundred muskets, they would have been better pleased, or would have done better, or something to that effect.

David Spence Warren, prisoner, being sworn. (His evidence before the coroner was read to him, and he said it was all true, and that he had nothing to correct.) I was within seven or eight feet of Captain Shortland when I heard him give orders to fire; I was inside my own prison yard, and Captain Shortland was close to the gate; that was the first firing I heard; there had been none before. Soldiers had broken up their line when Captain Shortland led them into the prison yard. Captain Shortland was at the head of them, in front of them all, when I heard him tell the men to fire. They did not fire the first time he said "fire;" it was about a minute afterwards before they fired. He said "fire" three times; the last time he caught hold of a musket, and turned it towards a man standing opposite him, saying, "God damn you, fire." I cannot swear that that musket was fired. The firing commenced at first by one musket, then two, and afterwards a general fire. I am sure the firing did not begin by a volley. I am sure what I state is true. There had been no firing before I saw Captain Shortland take hold of the musket; I had heard none. I saw no prisoners have hold of this musket at the time. Captain Shortland, when he told them to fire, was in front; one soldier beside him. They might have fired at his side, or over him, without hurting him.

Richard Walker, private in the Derby militia, being sworn, says: I was one of the south guard on the evening of the 6th; I was in the market square when the firing began, on the right of the north guard; when it began, there was not a prisoner in the square; when the soldiers charged there were a great many in; cannot say how many. They went back to their own yard directly; was formed nearly on a line with the north guard. After the charge the prisoners returned to the gate, and tried to force it; they made a great noise, and used very abusive language; they did not come back into the market square. I heard no order to fire; first one musket was fired; it was by a sentry posted at the bottom of the square, in consequence of the prisoners abusing him. I saw this; I cannot say I saw the prisoners take hold of his musket. I saw them throw no stones before, but after it was fired they did; one hit me on the arm. I might not have seen it had the prisoners caught hold of his musket. It might be two minutes before there was firing again. As soon as the prisoners threw stones, there was more firing. They fired several together, but not in a volley. Do not recollect I heard any order to fire. Heard several call out "fire," and supposed it might be the prisoners who were calling out. I heard the word "fire" repeated, but do not know by whom. I was close enough to hear the prisoners call out. Saw Cap-

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tain Shortland come down, break through the guard, and order them to cease firing; this was very soon after the firing began. He called out to the prisoners, "For God's sake, men, go in, go in." The soldiers did the same. Captain Shortland came down the square from behind the line, broke through the guard, and ordered them to cease firing. I did not know where he was before the firing.

William Ward, private in the Derby militia, being sworn, says: I was not in the market square when the firing began; I came up just after. Captain Shortland, after it had continued some time, came up, and ordered the soldiers to cease firing; they immediately ceased. He said to the prisoners, "For God's sake, all of you go in;" the whole of the soldiers said the same. The prisoners ran up to the gates after that with a stronger force than before, making a great noise, but not insulting the soldiers. Saw no stones thrown. When Captain Shortland gave orders to cease firing, they did so immediately; afterwards the prisoners came up in large bodies; there was more firing; I did not see any prisoners come into the square after that. I do not know who ordered the firing afterwards; I heard Captain Shortland order the soldiers to cease firing; he ran from behind the line to the front, and held up both his hands, saying, "For God's sake, cease firing."

William Norris, turnkey, being sworn, says: I was not in the market square before the firing ceased. I came into the front yard, and was told by a turnkey in the lodge that the prisoners had made a breach. I ran to it, and some soldiers came to relieve the sentry at the hole. The prisoners were abusing him, and daring him to fire, saying his orders were not to fire. I saw Captain Shortland at the breach; he said the prisoners must have some bad intention. He came round by the military way to the front of the gate, and ordered me to ring the alarm bell, which I did; he was then in front of the upper gate, between it and the lodge; this was previous to any knowledge of the bursting the gate. When I had rung the alarm bell, I went to the military way; one musket was fired first, and afterwards there was a general fire; after which Captain Shortland and some officers called for the turnkeys; I ran through the line; he told me to take a wounded man to the hospital, which I and two others did. I returned to the market square; he ordered me to take another; he was dead. I took him to the burying house. The wounded man was brought out of No. 1; the dead man I found in the square. I was afterwards employed in carrying away the wounded.

John Rodd, turnkey, being sworn, says: I blew the horn for locking up, on the evening of the 6th; blow it always for about a quarter of an hour; I did so that evening; I went down afterwards to lock up No. 4 prison; while at the doors of it, I heard the alarm-bell ring; as soon as the prisoners hear the horn, they generally begin to go in; they did so that night; they were going into No. 4 quite fast; they rushed out

again, up to the gates, to see what was the matter; they ran up the yard; I cried out that night, as I went down the yard, "Turn in, turn in; the alarm-bell is rung to assemble all the department." I came back into market square, and when I got there, there was a firing, and a cry for the turnkeys; I came, and assisted to carry the wounded men to the hospital.

Daniel Nicholls, turnkey, being sworn, says: I was in prison yard No. 1, to lock the doors; the horn had done sounding before; before I came to the first door to lock up, the alarm-bell rang; the prisoners were going in just as usual; but, when the alarm-bell rang, they called out to know what was the matter, and thronged so much to the door that I could not shut it; I proceeded towards the gate, but, before I reached it, the firing commenced; I was about half-way up the yard when it began; hearing a ball whizzing by me, I returned to the end of the prison, and waited some time, till, seeing the lamplighter get over the wall by his ladder, I thought it a good opportunity for me to get over also, and did so; I came round to the market square; Captain Shortland was calling for turnkeys, and I went to assist in carrying the wounded to the hospital; the firing had ceased in the market square when I reached it; I heard much firing afterwards in the prison yard; when I came to lock up the second time, the prisoners threw a stone at me from No. 1, and the sentry then fired in at the door; I do not know who the sentry was; they shoved the door to, and would then open it again, and throw out stones, before I could fasten it; I cannot say whether the door was open when the sentry fired.

David Pitmore, turnkey, being sworn, says: The first I heard of the affair was a call for the guard; I went to the lodge, when Captain Shortland ordered the alarm-bell to be rung; I staid at the top of the yard till I heard a call for the turnkeys, and I then assisted in carrying away the wounded men; was at the lodge before the alarm-bell rang; I saw the soldiers charging the prisoners back; they drove them out under the platform; saw the first firing; several prisoners rushed into the square before the charge; I do not think there were any in the square before the alarm-bell rang; afterwards a gate was open, and they were coming through.

John French, turnkey of prison No. 3, being sworn, says: I was going to lock up as usual on the evening of the sixth, after the horn had sounded; I was in the yard; the prisoners were going in very quietly; had locked one door, and then heard the alarm-bell; the prisoners asked what was the matter; I said I did not know; I continued locking up, and locked three doors; this went on till the firing began; I stood at the end of the prison, and then got over the wall by the lamplighter's ladder; I did not see the prisoners come out of No. 3 after the firing began; came round to the market square; the firing was then over there; after assisting to carry the wounded to the hospital, I went to lock up No. 3; the soldiers fired in the door of that prison; I told the

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prisoners to go in; they were in the doorway, and I touched them slightly with my hand, telling them to go in and let me shut the door, or the soldiers would fire; one of the soldiers touched one with his bayonet, and advised the same, or they should fire; one man told him he might fire and be damned; immediately an order was given to fire by somebody behind—whether by an officer or non-commissioned officer, I do not know, and several muskets were fired into the open door, (I cannot say how many,) upon which I saw some prisoners drop; do not know who ordered to fire; sentries said to them, "If you do not go in we must fire on you;" they said "Fire and be damned;" I believe only one said so; there were many soldiers about the door; cannot say whether the soldiers could have driven them back by their bayonets, without firing, so as to have enabled me to shut the door; the soldiers were about eight feet from the door when they fired; I was in front, and got back as quick as I could, and bent down as they fired.

James Carley, turnkey, being sworn, says: I came to the front of the iron gate in the military walk; saw Captain Shortland coming from the barracks with soldiers; he made a halt at the blacksmith's shop; I saw prisoners rushing towards the gate No. 1, between the two railings; they sang out "keeno;" I ordered out the bread wagon, then in the market square; I opened the gate for the purpose; as soon as the wagon was out I heard a bar knock against No. 1 gate; I called out to Captain Shortland that the prisoners were breaking out; he went down with the military with both his hands in his breeches pockets; the prisoners were rushing out, but I could not see how many there were, the military being between them and me. I staid till I heard a cry for the turnkeys; went down to assist in carrying the wounded; I saw a charge, but do not know whether it made the prisoners go back.

Samuel Morgan, turnkey of No. 7, being sworn, says: After the horn had sounded I was in Nos. 5 and 7 yards, going to lock up. No door was locked when the alarm-bell rang. When I first went into the yard there was a great crowd of prisoners round a hole in the wall; as I passed by they sang out "keeno," and they and others in the yard ran towards the railings, near the market square; about this time there were nearly seven or eight hundred prisoners in the yard; many belonged to other yards; I took no notice. When I got to the cook house the bell rang; they asked me what was the matter; I said I did not know; I passed on, and when I had shut one door I heard a firing; the prisoners seemed to retreat then. I got over the railings into the military way by the lamplighter's ladder. There were then three doors of the prison open. I saw no stones thrown by the prisoners, being at the lower part of the yard, where there was no tumult. I came round to the market square when the firing was over; only a few muskets were fired afterwards; but did not see any while I was in the military walk. I saw the sentries fire from the ramparts. I then helped to carry away the

wounded, seeing others do so. After locking up prison No. 7, which I did without difficulty, I went to No. 1, to shut up, and, when putting one of the doors to, stones were thrown out; I was struck by one on the breast, and by one on the chin; I was pulling the inside door to; no muskets were fired into it then.

William Wakelin, turnkey of No. 5, being sworn, says: I had locked three doors of No. 5, when I heard a great noise, and the word "keeno" several times. On entering the prison yard there was a great body of prisoners between prison No. 7 and the barrack wall, round where the hole was; there were not more than usual round the railing. As usual, some prisoners were going in, and some kept coming out: there was nothing unusual in their manner at the bottom of the yard. I was coming up towards where the noise was, when a bullet hissed by close to me. I then ran towards the ramparts to get out of the way. I got over the wall by the lamplighter's ladder; then I came round to the market square, where I saw the soldiers drawn up in ranks. I went down, and heard Captain Shortland call out for the turnkeys. I assisted to carry the wounded. The prisoners brought a wounded man from No. 1, and insisted on carrying him up themselves; Captain Shortland ordered them to go back, but, as they refused, he put out his hand, and pushed one of them, without using violence; they would not go, and the soldiers were obliged to charge on them; one man pulled open his clothes, and challenged them to fire; Captain Shortland pushed him, but it was not with violence. This man was very turbulent; his name is James Reeves. Afterwards I went to lock up No. 5; then all was quiet, and the prisoners were all away from the door.

Richard Arnold, turnkey, being sworn: (His evidence before the coroner was read to him, and he said it was all perfectly correct.) Captain Shortland, at the time of the first fire, was in front of the line of soldiers, and it was almost impossible for him, had they fired a volley, to escape death himself. He was persuading the prisoners to go back when I told Captain Shortland they were making a hole in the wall; he told me to call the guard, but did not use any oath, nor did he blame me for not telling him of it before.

John Arnold, steward at the contractor's store for the prisoners in health, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing material to add to it.)

Stephen Hall, turnkey, being sworn: (His evidence before the coroner was read to him, and he said it was correct.) One of the iron bars mentioned therein was bent; the bars appeared to him to be some of those from the railings.

John Tozer, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing to add to it.)

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Henry Wroe, plumber and glazier at the prison establishment, being sworn, says: I saw the sentry at the breach charge down his musket, and several stones thrown at him, while he kept telling the prisoners he must fire. I was then on the south guard platform. I went to the platform, at the foot of the market square, and saw about six or seven hundred prisoners at the hole; and presently they sung out "keeno," and ran towards the railing; they rushed in under the platform. Seeing this, I left the platform, and was going up the market square; before I was half-way up I heard them knocking the chain of No. 1 gate, which soon burst open, and a great number (I cannot say how many, but suppose about five or six hundred) rushed into the square. I did not see Captain Shortland or the soldiers come into the square. The prisoners had broken the lock before they came in; it was done before I left the square; the alarm-bell rang after I left it. Being called again, he said: he does remember to have told Captain Shortland that the gate was burst; Captain Shortland was then in the military walk, near the turnkeys' lodge, standing alone, without the guard; he did not hear him give any order in consequence. It might be a minute or so before Captain Shortland went into the square.

John Mitchell, clerk to Captain Shortland, being sworn: (His evidence before the coroner was read to him, and he said that it was correct, and he had only to add as follows:)

While I was on the platform observing the prisoners throwing peat at each other, as I stated in the deposition, between the wall and the iron railings, I observed a great body of prisoners round the place where the breach was, but they were so numerous that I could not see what was doing. When I went with the turnkeys to remove the wounded, I observed Captain Shortland exerting himself as much as a man could do for them, and in having them conveyed to the hospital; he desired me to procure turnkeys to remove a wounded man who was sitting in a sentry box, and desired me to exert myself as much as possible in having the wounded removed; the cry of the military for the keys Nos. 5 and 7 was from those who had not been active, and appeared to me to proceed from anxiety to secure the prisoners, not from any vindictiveness: this party did not fire while I was in the yard with them; they called for the keys for the purpose of shutting up the prisoners.

Robert Holmden, first clerk to Captain Shortland, being sworn: (His evidence before the coroner was read to him, and he said it was correct.) I saw a great body of prisoners at the breach; the prisoners had broken the gate of No. 1, next the market square, before the alarm-bell rang; I was with Captain Shortland when the report of it was made to him; it was made by Henry Rowe; whereupon Captain Shortland, who was a great deal agitated, said, "Where are the guards? where shall we get help?" and I advised ringing the alarm-bell, which was done.

Robert McFarlane, assistant surgeon, being sworn. (His evidence before the coroner being read to him, he said it was all correct.)

John Bennett, store clerk, being sworn, says: I was at the breach; the prisoners were using very abusive language. I saw no stones thrown. I proceeded down the military walk; I was very near Captain Shortland, near the blacksmith's shop in the military way; several people reported to Captain Shortland that the prisoners were forcing the gate, and he then ordered the alarm-bell to be rung; he went into the square with the guard; I heard Captain Shortland tell the prisoners in the market square to go back to their different prisons, and say how sorry he should be to use force; he remonstrated with them; this seemed to have no other effect than to produce the most infamous language from them; some minutes after a musket went off, and soon after many others; I was then so near Captain Shortland that I am sure I should have heard it had he given orders to fire, but I did not, nor did I hear an order from anybody. I did not see the charge. I heard Captain Shortland order the soldiers to advance. Captain Shortland said, in my hearing: "My good fellows, go to your different prisons, or the military must do their duty." I suppose the prisoners in the square must have exceeded some hundreds when Captain Shortland went in with the guards.

George Magrath, surgeon of the hospital, being sworn: (His evidence before the coroner was read to him, and he said he had nothing to add to it, but felt it his duty to say:)

As some imputation of inebriety has been made against Captain Shortland, I think it justice to say, that, having observed him on the evening of the 6th, no man could be more free from it; and from my acquaintance with him, and with his general habits in his family, I do not think any man can be more abstemious. I should consider it equally incumbent on me, as imputations of barbarity have been made against him, to say, that, whenever I had occasion, as often happened, to make representations to him of any arrangement calculated for the health and comfort of the prisoners, he has always adopted it with great alacrity, and shown every disposition to do everything for their welfare.

George Holland, bugler of the Derby militia, being sworn, says: I recollect sounding the bugle on the evening of the 6th, in consequence of the prisoners breaking the wall; several officers of the Somerset passing backwards and forwards in the military way said the prisoners were breaking down the wall, and were breaking out of the gates and getting out, and every person would be killed, and told me on that account to sound a fire on the bugle, which I did; before this, a considerable time, there had been firing, and I am sure not four men would have known anything about the sounds of the bugle if they were asked now.

Adjourned until to-morrow at 8 o'clock.

Massacre at Dartmoor Prison.

DARTMOOR PRISON OF WAR,
Monday, April 24, 1815.

Met, pursuant to adjournment, at 8 o'clock.

Present: Paul Treby Treby, Esq.

John Collard, sergeant in the first Somerset militia, being sworn, says: I was on the north guard, commanded, on the evening of the 6th, by Lieutenant Avelyn. Some one belonging to the department came and told me to call out my guard, saying, "Fall in your guard as soon as possible, and march it up to the west yard," and that that guard was going to the barrack yard where the breach was. I fell in the guard, and marched them up opposite the west guard, where I halted them; was not there long before Captain Shortland came up; he ordered me to take the guard to the market square and form it across; had seen nothing before this of what had passed. On entering the market square, I heard a chain rattle at gate No. 1, on the left hand side. I formed the guard across the square; the guard was at the west guard-house before the alarm-bell rang; it rang a little at first, stopped, and then I heard Captain Shortland order it to be rung again. This was before we went into the square; it was not rung again till we were going in. I observed two or three prisoners come out of gate No. 1, from the prison yard, just as I entered the market-gate; a greater number had entered before the guard formed; whilst it was forming I ordered the two sentries in front of the railings at the bottom, and the two on the platform above, to leave their posts and join the guard; they were all that were at those situations. As soon as they heard me thus order, the prisoners began to cry out "keeno," and rushed into the square in as great numbers as they possibly could, through the gate which had been broken. By the time I had formed my guard they came up in great numbers, close to us, on our left flank; the guard gave way on the left, where it was weakest, and where the prisoners made the greatest efforts to pass; the soldiers were then at the shoulder, when the guard gave way. Captain Shortland ordered it to charge; he told off about fifteen file himself, whom he ordered to charge; repeated it two or three times before they did; they endeavored to drive them back, but did not charge the same as they would an enemy; if they had they must have killed scores of them, as every bayonet would have told; they tried to drive them back without committing murder; the right of the guard did not charge; we drove them back about half the ground they had gained in the square. I was in the rear of the charging party; only the fifteen file told off charged in this way at first; the prisoners then began to throw stones at us in great numbers from within the railings and from the market square; there were some scores still in the market square; they were hurraing at the same time. An order was then given to fire on them; I heard the word given to fire by some one; I think the word given was in my rear; we were in great confusion; I was then in the rear of the soldiers; the prisoners were crying out "fire;" I could not then see Captain Shortland; I did not look out for him; I had

something else to think of when the order to fire was given; two or three men fired; immediately they obeyed the order; one musket was discharged first, and one or two very soon after. When these were discharged I did not see any man killed, or any one hurt among the prisoners; I think the soldiers fired over their heads; then some prisoner or prisoners said, "You buggers, why do you not fire? you have nothing but blank cartridges." Afterwards the firing became general, and the prisoners were driven into the yard. I heard no word of command for the second firing; the firing was not in a volley, but in small numbers at a time. There was no general return of the prisoners from the yard after the firing had taken place; they could not stand the firing; they could not come without being murdered, the whole of them; they did not rally after the firing became general. I do not know how long the firing continued; but after it had gone on some time the prisoners dispersed into their yards; then Captain Shortland ordered the firing to cease. I am sure he did. He put up his hands, and said "cease firing," giving it as a word of command; it then ceased generally in the market place. As soon as possible a party of soldiers was ordered into the prison yards to turn the prisoners into their different prisons. I know nothing of what happened afterwards in the prison yard, as I remained in the square with the rest of the guard. I afterwards heard some firing in the yard, but paid no attention to it. I think the firing must have ceased from the ramparts soon after, otherwise some of our soldiers in the yard must have been shot. The general tenor of the prisoners' conduct was riotous. Many of our men were much hurt by the stones thrown, but not so as to be disabled from doing duty. I am satisfied, in my own mind, that, without the firing, the prisoners could not have been driven back. Had we charged on them like an enemy, we must have killed a great number; every bayonet must have killed one or more prisoners, they being so thick. The number of soldiers in the square, at the first firing, was about fifty-four, exclusive of sergeants; our guard was about thirty-eight, and there were about fourteen of the west guard. I cannot say how many came in afterwards. The whole regiment assembled as soon as possible after the alarm; no officer gave orders to cease firing before Captain Shortland; had there been such an order, it would have been obeyed.

Stephen Laphorn, private, in the first Somerset militia, being sworn, says: I was on the north guard on the evening of the 6th; went into the market square with it; when I first went in I saw two or three prisoners in the square near No. 1 gate; about one hundred and fifty came in afterwards, while we were forming; they pressed up very near the military; some of the military were ordered to charge, which was done; some prisoners went back in consequence, but others were coming through the gate upon us. Before the firing began they had never been entirely driven out of the square. I heard an order given

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to fire, but do not know who gave it; it came from the right in front; I was on the left. I did not see Captain Shortland at this time; I cannot say whose voice it was; am not sure whether it was from the prisoners or the military. The firing began immediately from about the centre; it did not begin by one musket, but by several together. When the firing began, I was at the charge; two prisoners seized my bayonet, and tried to twist it off; I do not know who they were. I told them to let go; they said they would not, adding, "fire, and be damned." I got myself in danger, and was obliged to fire to get my musket released; I did so; but there were upwards of twenty fired before mine; saw a great quantity of stones thrown before my firing; while we were at the charge the prisoners threw them till the last; one man stooped to pick up his cap, which, I believe, had been knocked off by a stone; this was before any firing. I do not think the prisoners would have been driven back without firing; as they continued pressing on, Captain Shortland was persuading them to retire, but they would not, saying they were not prisoners of war. I heard Major Jolliffe give orders to cease firing before they were driven into the prison yard, and before the firing ceased in the market square. I think he did so as soon as he came down; he was not there at first. Stones were thrown, and the firing continued in consequence after this order. I also heard several voices say "cease firing," but cannot say whether they came from the military or from the prisoners.

William Gifford, private in the Somerset militia, being sworn: (His evidence before the coroner was read to him, and he said it was all correct.)

I heard Captain Shortland say "cease firing," about a few minutes after it began; he put his hand up by way of signal, and said so; I do not know who gave the word to fire; I did not see where Captain Shortland was when the order was given to fire; I think he had just gone towards the left, and the word appeared to me to come from the right, therefore I think it could not have been he who gave it; I did not hear first one musket discharged; the firing at first must have been in the air, otherwise there must have been more prisoners hurt. Captain Shortland was running up and down when the word was given to fire; I heard no order given by any body else than Captain Shortland to cease firing; I do not know that it would have ceased had orders been given; the prisoners were throwing stones and bricks continually; the firing ceased for a few minutes, after Captain Shortland had ordered it to cease; the conduct of the prisoners was such that it made us afraid, from the stones thrown; and I do not think they could have been driven back without the firing. Had orders been given by anybody else to cease firing, it might not have been heard, from the noise.

John Soathorn, private in the Derby militia, being sworn, says: I was one of the south guard on the evening of the 6th; was one of those formed across the square on the right of the north

guard; I saw the prisoners charged down nearly to the railings; our guard charged down to the railings after the north guard. We went close to the railings; my bayonet touched them; when we got there, the prisoners began throwing stones; we stepped back a few paces, being so near the railings; one stone struck me on the right side; it almost knocked me down; I should have fallen had not a man kept me up; just then the firing commenced; after some time of firing Captain Shortland came in front, and said, holding his hands up, "For God's sake, men, cease firing—cease firing." He went near to the railings; I and several others called to him, "Come back, it is almost dusk;" he said "You know me, men; do cease firing;" but several muskets were discharged after this. Captain Shortland was not near me when it commenced; I did not see him; the order to fire was given at the left, and it passed through the ranks one after another, saying "fire, fire," but there was so much noise and shouting by the prisoners, that it is impossible for me to say who gave the word; I believe I was the sixth or seventh file from the right; I remained in the market square; I do not know what passed in the prison yard; I heard no officer before Captain Shortland say "cease firing;" but a few seconds afterwards some officers did. I did not see any prisoners in the market square when the firing began, but they were behind the railings under the platform, throwing stones; I could not see about gate No. 1, there being sentry boxes between.

Lieutenant Atelyn, of the first Somerset militia, being sworn, says: I commanded the north guard on the evening of the 6th; I came into the market square with Captain Shortland; the prisoners had burst No. 1 gate, and were rushing through in a great crowd when we went in, so that I thought the whole of them were coming out; Captain Shortland went forward to speak to them. I heard him saying "My good fellows, do go back;" I did hear him say that, but the prisoners were making so much noise that I could not distinguish much of what he said; he also called to me not to suffer the prisoners to come too near my guard; they were then pressing forward in a very threatening manner; the guard was formed across the square, about the middle; my guard was then about thirty-eight men, and there were some others; the prisoners were so pressing on my guard, that many on the left fell back several paces, in order that they might not come too near them; they were then not close up to the wall, but I made them form close up afterwards; the left of my guard charged, and I was with them, driving the prisoners back; they did not charge by my order, nor did I hear Captain Shortland order it; I considered myself under Capt. Shortland's orders; had I been alone, I certainly would have charged the prisoners long before, or rather have fired, conceiving it to be necessary from the threatening manner of the prisoners, and the great body of them which was coming up, and could soon have surrounded my guard. They were not quite driven out of the square by the charge; it

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was during this charge that I heard the first musket fired; I could not see where it was fired from, not being near enough, and being so much engaged in driving the prisoners back; it was, I think, to my right; at the first there was a single shot, and almost instantly after several others were fired; I heard no distinct order to fire; many of the prisoners were crying out to fire, and defying the soldiers; I was very near Captain Shortland at the time, and think I should have heard him had he given the order; I heard no distinct order at first, or at any time, to fire; Captain Shortland was then near gate No. 1, to the left, in front of the soldiers, and it would have been madness in him to have given the order in that situation. I was in front when the firing commenced, and retired into the rear for my own safety; the prisoners retreated on the firing taking place; I gave orders to cease firing after some time; my guard then ceased, and I went to the front of the men; I did not hear anybody else give orders to cease firing before myself, neither Major Jolliff nor Captain Shortland; the noise was so great that I could not hear; I am certain, had any one man by chance fired, the irritation of the soldiers, from the stones thrown at them previously, was then so great that almost the whole of them would have followed; the prisoners did not appear to care for the bayonet, and I do not think, from the state they were in, they could have been driven back without firing. The charge was not made with violence, as against an enemy; the prisoners were struggling with the soldiers; many defied them; but others said they could not go back, as the press was so great; I remained in the market square; did not go into the prison yard; I kept my guard with me; one prisoner, after the firing was over, came up, opened his clothes, and dared the soldiers to fire; I do not think the prisoners generally were intoxicated, but resolute. I do not think any man could have behaved like Captain Shortland who was intoxicated, and I think he behaved with courage and humanity.

Ensign Samuel White, of the first Somerset militia, being sworn: (His evidence before the coroner was read to him, and he said he had nothing to add or alter.) I do not know of any order to the soldiers on the ramparts to fire, but suppose they took it up from the others; I suppose there might have been about half a dozen of my guard in the market square; there was no firing through the breach.

Lieutenant Fortye, one of the first Somerset militia, being sworn, says: I had the command of the south guard on the evening of the 6th; I went into the square with my guard after the north was in, and formed on their right; they were already formed and in the act of firing when I arrived; that guard was then about fifteen or twenty feet from the iron railings; there were no prisoners in the square between my guard and the railings; could not see to the left, on account of the north guard; my guard took up the firing from others without any orders, immediately after they had formed in support of the north guard;

as soon as we formed I ordered the firing to cease; as soon as it could possibly be restrained, I stopped it; it ceased almost immediately; I saw nobody else endeavor to stop the firing before; as soon as the prisoners had retired to their yards, my guard ordered their arms, remained where they were, and I remained with them; I cannot, therefore, speak to anything that took place afterwards.

James Greenlaw, late second officer of the *Prince de Neufchatel*, American prisoner, being sworn: (His evidence before the coroner was read to him, and he said it was all correct.) I was between the two railings under the platform when I heard Captain Shortland give the order to fire; I saw him then at the head of the troops, about the centre of the yard, close in front of them; when I heard the word to fire, I retreated into yard No. 4; had just got inside the gate when it began; it began immediately by a volley, not by a single musket; I am sure it began by a volley; I do not know how Captain Shortland escaped; I suppose he knew how to take care of himself, and that his own men would not fire on him; he appeared to me to be standing close to the soldiers; I saw no stones thrown before the firing began; I do not know that I could have seen them; the prisoners were trying to get into No. 3 quietly, when the soldiers fired into it; I did not see any resistance among them. (This prisoner has a midshipman's warrant in the United States Navy, and a furlough.)

John Slater, citizen of the United States, being sworn, says: I do not know an American prisoner named Roberts; I have been confined here above six months; I know of no concert among the prisoners to break out by force, only attempts of individuals to escape at different times; I was at the gate No. 7; I was passing between Nos. 6 and 7 with two more men, when a party of five soldiers, I think, crossed at the further end of the prison from us; one man named Washington fell, but whether from the firing of this party, or from the ramparts, I do not know; he fell against me and knocked me down; I got up and ran away to my own prison, No. 5; there were only three prisoners on the spot where he was shot; the shot went through his temple.

Enoch Burnham, citizen of the United States, being sworn. (His evidence before the coroner was read to him, and he said it was all correct, and that he had nothing to add to it.)

Alexander Marshall, citizen of the United States, being sworn, says: I belong to prison No. 1; there were not more than fifty prisoners in the square when the soldiers charged; they charged as upon an enemy; they began firing, and I ran to No. 1 gate to get to my prison, but was nearly ten minutes before I could, on account of the press of the prisoners; there were about four hundred soldiers in the market square.

Cornelius Rowe, citizen of the United States, being sworn, says: I belong to No. 1 prison; I went to the breach; those about it told me it was made to get back a ball; they afterwards ran towards the gate No. 7, saying it was to shut it

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against the military; I saw the military come down the square, and heard Captain Shortland order them to charge; at which time there were about forty or fifty prisoners in the square; I made towards my prison, and just as I got into the yard there was a firing, and the prisoners were rushing as fast as possible to their own prisons; they shut the gate behind them; there were about one hundred and fifty soldiers in the square.

William Dewetter, citizen of the United States, being sworn, says: I ran towards the gate to see what was the matter; on arriving, I saw the soldiers charge; I turned round, and just as I got inside the inner gate shots were fired; one grazed the side of my head, which made me giddy, and turned me round two or three times; I saw a prisoner named Mann fall; went to him and took him up; the balls flew about so thick that if there was one I suppose there were one thousand.

Thomas Tindale, citizen of the United States, being sworn, says: I was under the platform; saw the soldiers coming down the market square, and heard Captain Shortland give orders to fire; he was then about the centre, and in front of the soldiers; he had on a blue coat, but without epaulettes; he had a drawn sword in his hand; he gave orders twice to fire; I was not ten steps from him when I heard him; I heard every word he said; I saw him plainly; the firing commenced by one musket first, then two, and afterwards a whole volley; the firing began when Captain Shortland gave the word the second time; I heard Captain Shortland tell the soldiers to fire low; he was then still in front of the soldiers; I believe he was standing before the muzzles of the foremost muskets; the soldiers were formed two deep; when the balls began to fly thick, I escaped into No. 3, and saw no more of what passed afterwards; when I heard the order to fire, I was about the middle of gate No. 4; the soldiers charged up to the railings, and then fell back four or five paces, when Captain Shortland gave the order to fire.

John C. Rowles, citizen of the United States, being sworn, says: I saw forty or fifty prisoners in the market square when the soldiers were drawn up.

Thomas George Shortland, captain royal navy, commanding at the depot, being sworn, says: On the evening of the 6th April, a little before seven o'clock, Mr. Holmden, first clerk, came to my house and informed me there was a disposition of the prisoners to be riotous, as they had got between the railings and wall of No. 7 yard, and there were a number of people collected in No. 7 yard; in consequence, I walked down to the upper gates: on coming there, I was informed the prison barrack wall had been breached. I went to that yard and saw a large hole, and the military guarding it under an officer whom I since knew to be Lieutenant Avelyn; on getting to the breach I observed the prisoners using an iron bar to enlarge it. I remonstrated, and told them it was the prison barrack yard, and that it would be dangerous for them to attempt to force

it; the prisoners shouted, and threw stones through the breach, and still continued at times to enlarge it. I then heard some one say, "They are breaching the wall above the cook house in the prison barrack yard," and nearly at the same time there was a call out that they were forcing the lower gates, while I was still in the lower barrack yard. I immediately left the yard, and Lieutenant Avelyn followed me, leaving the breach with a party and a sergeant; when I arrived at the blacksmith's shop, I saw a rush of prisoners between the iron rails under the platform; the gate was at this time forced, and the prisoners were without the gates, in the market square, where they were not allowed to be; seeing this, and having in my mind the breach in the barrack wall, and the reported breach above the cook house; bearing this in mind, with the reported threats that had been constantly told me that the prisoners would liberate themselves on or before the 10th April, I ordered the alarm-bell to be rung: at this time part of the west guard, which is called the piquet, had gone round to turn the prisoners out of the railway in No. 7 yard, and another part of the same piquet was in the prison barrack yard; so that the force was reduced to the north guard only. Lieutenant Avelyn formed that guard and marched down into the market square. I preceded them, and about half-way down the guard formed in a line, this keeping their left close to the hospital wall; at time I should suppose there were from four to five hundred prisoners in the market square. I was perfectly unarmed, and went down to remonstrate with them, using all the persuasions in my power to make them return to their prisons, stating that the military guard was formed above them, and it was dangerous to attempt to use force. I was, at this time, about six paces in front of the guard; the prisoners kept still pressing up, and pressing me on the military; they appeared to want to get round the left of the military, keeping close to the hospital wall. At this time I looked back, and said, "For God's sake, soldiers, keep your ground;" bearing in mind that there was not a single soldier above these to prevent escape through the outer gates; almost immediately, about twelve or fifteen soldiers charged down towards No. 1, towards the hospital gates, about five or six paces, and they returned into line again. I was still at this time in front, and had gone forward again, urging the prisoners, who had retreated, when a discharge of musketry took place; while I was in that position, being to the right of the centre of the guard, and not near the hospital wall, a musket ball grazed my temple in that discharge, when I retreated into line with the soldiers; the prisoners retreated and advanced again, and about this time Major Jolliff came down. There was a call of "wounded men" from the prisoners, upon which I called to the turnkeys to assist in passing the wounded through the line of military, as they would not allow the prisoners to pass with them. While this was doing, there was another discharge both to my right and left. Those

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near me did not fire at this time, as, whenever I could, I had requested them to desist; the turnkeys came down, (this was after the second discharge,) and I was busily employed with Mr. Mitchell in directing the removal of the wounded up to the hospital. I can say nothing more of discharges of muskets in the market square. I only observed two discharges there. I heard some from the prison yards and from the ramparts. I was in the market square the whole time till the firing ceased, when Major Jolliff came down to the market square. I gave myself no further thoughts to the military, my whole mind being occupied in directing assistance to the wounded. I repeatedly said to the prisoners, "For God's sake, go to your prisons," previously to the firing, and between the discharges; for, being between the soldiers and them, I was warned by some of the former to keep clear of their fire, otherwise I should be shot. After the firing had ceased, and I got the receiving house door open to receive the wounded, I went into the north prison yard to see the prisoners shut up; the turnkey (Nicholls) of No. 1 had got them all in, but the door was not secured, but which was soon effected by the military without firing. All the troops were marched out before I saw anything more: I was in my undress uniform, and was perfectly unarmed. I never did give an order to fire; and in support of this I can say, I stated in my official letter to General Brown, that Major Jolliff gave the orders to fire, conceiving he had done so, from seeing the major appear at that moment. Indeed, in a former conversation with General Brown, in the presence of Major Gladding, being asked whether, if an attempt were made to resist the authority of the depot, I should order the military to fire, I told General Brown, as well as the major, that I did not think myself authorized to command the military to fire, because it was their duty to do it when they thought it necessary. I do not recollect a suspension of the ringing of the bell and then commencing again; it was a continual ringing. I ordered it in consequence of seeing that the prisoners had broken through the breach in the wall and the other reported breach. I did not hear any order to fire; it must be understood that I was with the prisoners, who were making a great noise, hurraing and rioting at the time.

The two best prisons (as the prisoners call them) are the two smallest, and I do not conceive them to be the best, as the others are the most roomy, and have been put in a state of repair since the release of the French prisoners; those two (which are Nos. 2 and 6) have not. Being smaller, we keep one of them for a receiving prison for any draughts of prisoners who may come in of a sudden wet and fatigued; the other, when Doctor Baird, inspector of hospitals, was down, he requested might be reserved for particular cases of contagion, as a sort of quarantine receiving house for newly arrived prisoners, to prevent contagion spreading; the prisoners have been distributed nearly according to the directions of Doctor Baird, (he having power to alter the

distribution on his visits.) The provisions of all the prisoners were stopped by the transport board's direction, for undermining the prisons. I remonstrated with them that the innocent would suffer with the guilty; but they replied that it must be so, as in all general transactions of the kind. I was not out of the market square until all the firing had ceased; I was not in No. 7 yard until an hour after the whole was over. Gatchell's statement, about my running down that yard, is not true. I recollect a man coming up the market square with a wounded man, and after being told to go away he would not, and I gave him a push; he said that I must recollect I had struck him, but I made him no answer. Taking into consideration the apparent temper and resolution of the prisoners, and my remonstrances having no effect, I do not think they could have been driven back without firing; without the firing, I think they might have forced the guard, which they were in the attempt to do; if that guard had been forced, the depot would have been lost. On all occasions when the market was stopped, or any measure of the kind was taken, it was reported to the Transport Board, along with the reasons for it, and they sometimes directed the stoppage to be continued. I am in the habit of reporting it after it is done. (Captain Shortland read the copy of a letter to the Transport Board, dated 14th February, 1815: it states, that, in consequence of the escape of Simon Hayes, who had been directed by the board to be kept in close confinement in the Cachot, and his taking refuge among the prisoners, and the disorderly conduct of the prisoners in not allowing the lamplighters to do their duty, he had stopped the market; and he read their answer, dated 16th February, approving of the measure in consequence of the reasons he stated.) The market has not been stopped more than twice. The first time was on the 24th October, 1814, on account of the prisoners not permitting themselves to be counted out of their prisons in the morning, which was necessary to ascertain if there was any escape. In a letter of the 27th, the board approved of the measure. In consequence of this, and the riotous conduct of the prisoners, Captain Shortland stated several arrangements he had made since he came to the depot for the welfare of the prisoners; among others, the following. On one occasion, when orders had been sent to remove the stoves from the prison, on account of the health of the prisoners, he wrote a very strong letter to the board, urging that they might be retained, as they were very instrumental to the comfort of the prisoners. All the letters from prisoners to himself he opened and answered, and he keeps a clerk for the mere purpose of keeping accounts of moneys received for the prisoners.

He dates the commencement of the antipathy of the prisoners to him from the time when he got the Transport Board to prosecute some men for tattooing others; and states, that till that he was on good terms with them, going down at all times among them, as he used among the French prisoners.

*Massacre at Dartmoor Prison.**Deposition of John C. Clement.*

I sailed from New York the 9th January, 1813, on board the brig *Star*, Captain Reed, for Bordeaux, and was captured on the 9th February following, in the Bay of Biscay, by His Britannic Majesty's ship *Superb*, (74,) Honorable Sir Charles Paget, commander. Went into Basque Roads, where, with other prisoners, I was put on board the *Warspite*, (74,) Captain Sir Henry Blackwood; proceeded in her to Plymouth, (England,) and on 19th March was sent on board the *Hector*, prison ship. On the 2d April, two hundred and fifty of us, American seamen, were marched to Dartmoor prison, where we were stowed in among nine or ten thousand French prisoners, who were in a filthy, dirty condition. During our confinement, Shortland, the keeper, repeatedly stopped our markets for several days at a time, without any provocation, or giving any reasons for this conduct, and our provisions were repeatedly short, not having our full allowance issued us. Shortland attempted several times to give us bad bread and provisions, and was guilty of many acts tending to irritate us, and render our situation very uncomfortable. On the 5th of April last, particularly, he gave orders to the contractors to serve us bad bread, which the prisoners would not receive, and, at the usual hour of closing the prisons, the turnkeys came to shut us in for the night; but we proceeded in a body to the market square, where an officer of the guard, on our representations to him, (Shortland then being absent to Plymouth,) advised us to return to our prisons, and he would have the bread sent us; which was done, and we retired to rest about twelve at night.

On the 6th of April, (the following day,) at 6 P. M., while a number of American prisoners were playing ball in yard No. 7, where a small hole, the size of a large pane of glass, sufficiently large to admit a boy or small man to pass through, had been made by some person or persons for the purpose of obtaining the ball when it flew over the wall into a large yard enclosed by high walls, (wherein the soldiers were stationed in the barracks:) at 6 P. M., as before mentioned, Captain Shortland, the keeper, entered the gate of No. 1, with 250 or 300 soldiers, armed with muskets and bayonets, the alarm-bell ringing at the same time, when he (Shortland) ordered one of the soldiers to fire at the prisoners in yard No. 1: the soldier not willingly obeying, he snatched a musket from one of them, and shot a prisoner. The soldiers then commenced firing on the prisoners, who were then sallying out of their prisons to learn the cause of the firing; the soldiers continuing at the same time to re-load and fire on them. Four or five soldiers proceeded at this time also to the extremity of the yard in pursuit of the flying prisoners, and, as they cried for quarters, they replied, "No quarter shall be given you, you damned Yankee rascals," or similar words, and instantly shot the flying prisoners. Shortland and the soldiers then proceeded to prison No. 3, (No. 2 being empty and closed,) where they fired through the windows and doors on the prisoners inside, and

shot through the heart one man while in the act of drinking a can of beer, and wounded another as he was endeavoring to escape up stairs; they then proceeded to yard No. 4, where the second lieutenant, snatching a musket out of a soldier's hand, shot a boy; soldiers firing at the same time into the prison, through the doors and windows. After having received a reinforcement of soldiers they proceeded to yard No. 7, where they commenced an indiscriminate fire on the prisoners while they were flying to escape into their prisons.

On this day there were seven prisoners killed on the spot, and thirty-eight wounded, three of whom died two days after.

On the 7th of April a coroner's inquest was held, composed of American prisoners, (the officers of the prison being present, all save Captain Shortland,) when a verdict of "wilful murder" was brought in. On the 8th the coroner's inquest was held, composed of a number of neighboring farmers, who returned a verdict of "justifiable homicide." On the 9th, Admiral Rowley and a British post captain arrived at the prison from Plymouth, by direction of the Transport Board, to inquire of the prisoners into the transaction. During our confinement the American agent (Beasley) did not give us, say from the 2d April, 1813, to March, 1814, the 6s. 8d. sterling per month, as well as the suit of clothes allowed us annually by our Government, which money and clothes the prisoners have never received; and when I, with two hundred and fifty others, were released from prison, there were likewise a shirt, pair of shoes, and 6s. 8d. due us, which we never received. The prisoners had applied to Beasley repeatedly for what was due them, but received no satisfaction.

He never visited the prisons but once during two years and upwards I was there. The two hundred and fifty prisoners (and among them myself) were released from prison on the 20th of April last, and proceeded to Plymouth, and were put on board the cartel *Maria Christiana*, and arrived at New York on 5th of June, 1815. I did not know, nor did I hear of a plot or scheme of escape out of prison, as alleged by Shortland, in justification of his attack on us of the 6th April; on the contrary, it is my firm belief, if the gates had been thrown open to us at this time, none of us would have sallied forth to escape, because, being most of us destitute of money, (the agent having withheld our pay;) numbers of us miserably clothed, and without shoes, (also withheld from us;) numbers having walked, when released from prison, barefoot to Plymouth; through fear also of being arrested and closely confined, or, what was more probable, impressed into the British service, at a time when there was a very hot impressment going on in England; because having also heard, some weeks previous, of peace having taken place between Great Britain and America, which would release us from prison.

I know of no cause or reason that can justify the unprovoked attack upon us by Shortland and the soldiery, but do verily believe that the thing was wantonly, wickedly, and maliciously premeditated by Shortland and his officers, to spill the

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blood and destroy a number of unarmed, defenceless American seamen.

Everything I have stated, I do, to the best of my recollection, believe to be, without the least exaggeration, strictly true.

JOHN C. CLEMENT.

Affirmed before JOHN GEYER,
An Alderman of Philadelphia.

JUNE 19, 1815.

List of papers in packet marked C.

Extracts of a letter from the Commissary General of Prisoners to R. G. Beasley, Esq., American agent for prisoners of war in England, dated March 6, 1815.

Letter of the Commissary General of Prisoners to George Barton, Esq., dated March 6, 1815.

Table of provisions to be allowed to prisoners of war, whether American or British, on board of vessels transporting them.

Letter from R. G. Beasley to the Commissary General of Prisoners, dated April 13, 1815.

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, April 10, 1815.

Letter of J. P. Morier to R. G. Beasley, dated Foreign Office, April 11, 1815.

Letter of J. W. Croker to J. P. Morier, dated Admiralty Office, April 10, 1815.

Letter from R. G. Beasley to the Commissary General of Prisoners, dated April 15, 1815.

Report of the Committee of the American prisoners confined at Dartmoor, dated April 7, 1815.

Letter of R. G. Beasley to the Commissary General of Prisoners, dated April 18, 1815.

List of prisoners wounded on the evening of the 6th April, 1815, signed by George Magrath, surgeon.

A return of American prisoners of war who were killed and wounded in an attempt to force the military guard at Dartmoor prison on the evening of the 6th April, 1815, signed "Thomas George Shortland, agent; George Magrath, surgeon."

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, April 19, 1815.

Letter of R. G. Beasley to the Commissary General of Prisoners, dated April 30, 1815.

Extract of a letter from R. G. Beasley to the Commissary General of Prisoners, dated October 10, 1815.

Letter of R. G. Beasley to Alexander McLeay, dated January 1, 1815.

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, January 21, 1815.

Letter of R. G. Beasley to Alexander McLeay, dated March 15, 1815.

Letter of Alexander McLeay to R. G. Beasley, dated Transport Office, March 15, 1815.

Extract of a letter from R. G. Beasley to the committee of American prisoners of war at Dartmoor, dated March 22, 1815.

Letter of R. G. Beasley to the American prisoners of war at Ashburton, dated March 23, 1815

Letter of R. G. Beasley to Captain Shortland, dated March 25, 1815.

Letter of R. G. Beasley to Dr. George Magrath, surgeon of Dartmoor prison, dated March 31, 1815.

Letter of R. G. Beasley to the committee of American prisoners of war at Dartmoor, dated March 31, 1815.

C

Extracts of a letter from the Commissary General of Prisoners to Reuben G. Beasley, Esq., American Agent for Prisoners in England, dated

MARCH 6, 1815.

I have received your letters of November 17th, December 21st and 31st last, by the British sloop of war Favorite. I could write you nothing definitive by the return of that vessel, in relation to the arrangements to be made in England for the restoration of our prisoners held there, as I could not, until after the time her despatches left the Seat of Government of the United States, come to an understanding with Mr. Baker, Chargé des Affaires for His Britannic Majesty, as to the terms and manner of restoring the prisoners on both sides under the treaty.

I now enclose you a correspondence begun on the 22d February, and concluded on the 28th, on that subject; by this you will perceive the construction which is given here in relation to this point, and that Mr. Baker has declined in any way to commit his Government; and that, in order to produce as little expense and delay as possible to either Government in the operation, I have given him the election of several propositions, (after he declined to proceed on the principle which I had presumed to exist, and which in his letter of the 23d February he appears to admit;) that each party should restore to the country from which taken the prisoners held by it; and that the proposition he has accepted embraced the transportation of all the prisoners, British and American, at English or American stations in this quarter, at the expense, in the first instance, of this Government; the accounts to be adjusted hereafter, according to justice and the terms of the treaty between the two Governments. Preparations are now actually going on for the immediate removal and transportation of all the British prisoners we now hold in this country; in numbers probably about 3,590, military and maritime.

The question, you will remark, as to the restoration of American prisoners in England, is left open. You are requested, immediately on the reception of this letter, to communicate the correspondence with Mr. Baker to the proper authority of the British Government, to show what is doing here in relation to the delivery and receipt of prisoners of both countries, and to state that the liberal proposition, of taking upon ourselves the transportation both of British and American prisoners, and to make the requisite advances for this purpose, was offered in that spirit of amity which it was deemed, on the happy return of peace between the two nations, to belong to the case; to insure the most speedy relief to the un-

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fortunate men held in durance by either ; and to lessen the expense as much as possible to both Governments ; and with an express reservation of the construction of the treaty, as given here without commitment of the principle contended for by us, that is, that each party should pay the expense of the transportation and delivery of the prisoners held by it ; that the operation will be performed in the most economical manner practicable ; and accurate lists of prisoners and accounts kept for the final adjustment of an account between the two Governments. And you will require of the British Government to transport and deliver all the American prisoners now in England, or elsewhere, not embraced in the arrangement with Mr. Baker, in the most speedy and convenient manner. If this be consented to, (as I trust it will,) you will ask to be permitted to make the same kind of interference which has been afforded here to the British agents, as by the enclosed copy of a letter to Mr. Barton (delegated by Mr. Baker) of the 6th instant.

You will request that the same rations be allowed to our prisoners which are supplied on board ships to the British prisoners about to be transported from this country, and that a sufficiency of sound stores be laid in to supply them for ninety days ; and you will apply for permission to place on board each transport an agent on whom you can rely, who shall have power to inspect the stores and accommodations, and see that the prisoners are regularly and properly supplied. Persons proper for these agencies may, no doubt, be found among the American masters and mates, now prisoners in England, to whom it will be right to make some reasonable compensation for their trouble—say 30 or 40 dollars per month ; and you will instruct each in writing, and direct them to make report, on their arrival, to this office. You will require, also, that the British Government put a surgeon on board each vessel, supplied with a proper quantity of medicine and medical stores, as has been done here.

In the embarkation and distribution, as to the ports of delivery here, you will have examined carefully all the lists ; endeavor, as much as possible, so to assort the prisoners as that each may be placed, as far as is conveniently practicable, nearest his home, or, more properly speaking, to the port from which he sailed ; and, for this purpose, you will designate for the destination of the transports four of our principal ports along the coast ; that is to say, Boston, New York, Norfolk, and Charleston. I have named those near the ocean as being most easy of access, and less liable, on that account, to objection. To prevent complaint, it will be proper, with as few exceptions as possible, to send those prisoners first who have been longest in captivity. There is no other rule that carries so much justice with it ; and it is naturally to be expected that, after such long and severe confinement, the anxiety of our unfortunate citizens, so held, to be released, will be very great ; and preferences out of turn will be viewed with great jealousy and discontent.

It remains to point out to you what is to be

done, should the British Government, under all the circumstances stated, refuse to restore to us our prisoners in England at its expense. After making all proper efforts on this point, and with as little delay as possible, should you fail, there will be nothing left (having first protested in a respectful but firm manner against such refusal, should it happen, and giving notice that an accurate account will be kept of all expenditures made by us, in this part of the transaction, for future adjustment under the terms of the treaty) but to take the most speedy and effectual measures of transporting them, at the expense of this Government, in the first instance at least, to the United States.

I have been particular in my instructions in this letter in endeavoring to anticipate alternatives, and to put you fully in possession of my ideas on all the points that occur to me at present, in order that you may be prepared to proceed, immediately on its reception, in some one course, without a moment's delay. The operation you will have to perform, whatever course be taken, is one of much consequence in every view ; important to the Government, in affording the most speedy relief possible to our countrymen placed in the hands of its late enemy by the fate of war ; highly interesting to these unfortunate men, whose anxiety to return to their country and friends must increase with the knowledge of the end of the war, and the expectation that nothing but forms and want of opportunity now retard their departure ; and of great consideration to the commercial interest of the United States, to have restored to it so many valuable seamen with as little delay as possible.

Your zeal and activity are, therefore, fully counted on, to do all that may depend on you to conduct this business to the best advantage, in all its bearings, and with the requisite economy.

I particularly recommend that you do not permit the interchange of sentiments, in negotiation with the British Government, as to the mode and expense of transportation, to be spun out. It will be expected that it will be prompt in deciding on the course it may determine to take in that matter. You will be readily able to show the necessity of an immediate decision.

From the Commissary General of Prisoners to George Barton, Esq.

OFFICE COMMISSARY GEN. OF PRISONERS,
Washington, March 6, 1815.

SIR : Having been referred to you by Anthony St. John Baker, Esq., Chargé des Affaires of His Britannic Majesty in the United States, in relation to the steps necessary to be taken to carry into execution the restoration of the prisoners of war, American and British, held in the United States, Canada, Nova Scotia, and the West Indies, according to the understanding which has taken place between him and myself, (of the nature of which you are apprized,) I have the honor to inform you that orders, some days ago, have been given for the immediate march of all the

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British prisoners captured on land or the lakes to the frontiers of Canada, to be delivered at or near Odletown, and for the immediate embarkation, in commodious vessels, of all the maritime prisoners held at New York, Providence, Rhode Island, Salem, and at any port east of Salem, (comprising all the prisoners, indeed, held at or east of New York,) for Halifax. These will be transported in the public cartel ships *Perseverance* and *Analostan*, and an additional private transport ordered to be taken up at Salem. All the prisoners held at New York or Providence will be sent from Providence in the *Perseverance* or *Analostan*, whichever is first ready; and those at Salem, or east of it, or at any intermediate port, will be sent in the other public ship, and in the private ship from Salem. The British prisoners at Philadelphia have been ordered this day to be removed to New York, where they will be embarked in the frigate *John Adams*, armed *en flute*, for Bermuda. Those who were held in the waters of the Chesapeake have been ordered to be delivered on board the British public ships now in those waters, by an understanding had with the senior officer, (Captain Clavell, of the frigate *Orlando*,) and it is presumed, have been by this time received by him. All those in North or South Carolina, or Georgia, will be, as soon as practicable, embarked from Wilmington, Charleston, and Savannah, for Bermuda, in public ships or private transports. As soon as the vessels are designated, which will be in a few days, you will be informed. Orders have been sent to the marshal of Orleans to collect and deliver, forthwith, all the British prisoners in that State, and the adjoining Territories, to the British officer commanding in those waters; and it is presumed they will reach him time enough to dispose of them before your public ships withdraw from that quarter. All these arrangements have been made, or are now in train, as I believe, according to the detail settled in different conversations between you and myself. If there is anything in what I have stated different from your understanding of it, I shall be glad, as far as is in my power, to conform to it.

I have given particular orders that the British prisoners be not put in such numbers on board the vessels transporting them as to crowd them improperly, and am willing, if you think proper, that this shall be regulated by a certain number of men per ton. I have directed that sound and wholesome provisions, and plenty of water, be laid in for them, and served out on the passage in rations, as by the enclosed table; that a surgeon be allotted to each ship, provided with a proper quantity of medical and hospital stores; and I have directed the agents of this office, at the ports from which the prisoners are to be embarked, to make provision on board each ship for the accommodation of an agent, to be put on board by you, if you think proper to do so, to superintend the treatment and accommodation of the prisoners, and to inspect the quantity and quality of the provisions issued to them on the passage; and the masters of the respective ships

will be instructed to respect such agents on your part in the performance of the duties assigned them.

In conformity with the request made in your letter of the 25th February, I have directed the marshal of North Carolina, and all the other marshals of the different States having charge of British prisoners, to release all the British prisoners, officers in their districts, respectively, whether of public or private service, who may not choose to wait the sailing of the cartels, and to permit them to leave the country at their option and expense.

I have ordered that all the British maritime prisoners be held and subsisted, as heretofore, at the several depots, until they are regularly embarked. If it be your wish, however, that any portion of these, other than those you have already designated for that purpose, should be discharged in the United States, it shall be done.

I have the honor to be, &c.

J. MASON.

GEORGE BARTON, Esq.

Table of provisions to be allowed to prisoners, whether American or British, on board of vessels transporting them.

Days.	Allowance for each person.		
Sunday	1 lb. beef,	1 lb. bread,	$\frac{1}{2}$ lb. potatoes.
Monday	1 lb. beef,	1 lb. bread,	$\frac{1}{2}$ lb. potatoes.
Tuesday	1 lb. pork,	1 lb. bread,	$\frac{1}{2}$ pint peas.
Wednesday	1 lb. beef,	1 lb. bread,	$\frac{1}{2}$ lb. potatoes.
Thursday	1 lb. beef,	1 lb. bread,	$\frac{1}{2}$ lb. potatoes.
Friday	1 lb. pork,	1 lb. bread,	$\frac{1}{2}$ pint peas.
Saturday	1 lb. beef,	1 lb. bread,	$\frac{1}{2}$ lb. potatoes.
	1 gill of vinegar per week.		
	3 quarts of water per day.		

RECAPITULATION.

Beef	-	-	5 pounds per man per week.
Pork	-	-	2 do. do. do.
Bread	-	-	7 do. do. do.
Potatoes	-	-	2 $\frac{1}{2}$ do. do. do.
Peas	-	-	1 pint do. do.
Vinegar	-	-	1 gill do. do.
Water	-	-	21 quarts do. do.

OFFICE OF COMM'Y GEN. OF PRISONERS.

J. MASON.

From R. G. Beasley to the Commissary General of Prisoners.

LONDON, April 13, 1815.

SIR: I had the honor to receive yesterday your letters of the 15th January, 6th, (two,) and 8th of March. I shall avail myself of the earliest occasion to notice their contents. In the mean time, I have to inform you that I have communicated to the Transport Board the correspondence between yourself and Mr. Baker on the subject of the restoration of prisoners, and have called on them to undertake the transportation to the United States of our prisoners in this country. Prior, however, to the receipt of your letter on this subject, I had engaged in this port nine ships for the conveyance of our prisoners, several of which have sailed for Plymouth to take them on board. I,

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in the first instance, endeavored to engage vessels at Portsmouth and Plymouth; but the turn of affairs in France having induced this Government to take up transports for the conveyance of troops, I could obtain none in those ports.

It is with extreme regret I have to state, that on the 6th instant the guard of the depot at Dartmoor, by order of the agent, fired on the American prisoners, killed five, and wounded thirty-four. I transmit, herewith, two reports of this unfortunate affair, (one from the Transport Board, and one from the Admiralty Office, through the Foreign Office.)

By the latter you will perceive that the prisoners are accused of having attempted to liberate themselves by force, and are stated to have been urged to this by the impression they were under that their own Government had neglected to provide means for their early conveyance home.

As the prisoners have been constantly informed of the exertions made by me for their release, and as on this occasion I had written twice to let them know the number of vessels taken up for their conveyance home, and the time they might be expected at Plymouth, it is difficult to believe, under such circumstances, that this is really the cause of this melancholy occurrence. I shall, therefore, inquire most minutely into all the circumstances attending it, and shall communicate the result to you, as also the names of those who have been killed and wounded.

I am, sir, your obedient servant,

R. G. BEASLEY.

The Hon. JOHN MASON, &c.

From Alexander McLeay to R. G. Beasley.

TRANSPORT OFFICE, April 10, 1815.

SIR: I am directed by the Commissioners for the transport service, &c. to acquaint you, that, by a letter this day received from Captain Shortland, the agent for prisoners of war at Dartmoor prison, it appears that on the 6th instant the American prisoners confined at that depot made a breach in the prison wall, and attempted to liberate themselves, by making a violent attack on the guard; and that it became indispensably necessary, in order to quell the revolt, for the guard to fire upon them; in consequence of which five of the prisoners were killed and thirty-three were wounded.

I am further directed to observe, that it is much to be lamented that the extreme impatience of these unfortunate men to be discharged, at a time that measures were in a train for their liberation, should have produced such melancholy consequences. I am, &c.

ALEX. MCLEAY, *Secretary.*

R. G. BEASLEY, Esq.

From J. P. Morier to R. G. Beasley.

FOREIGN OFFICE, April 11, 1815.

SIR: I lose no time in transmitting to you the copy of a letter which I have received from Mr. Crocker, of the Admiralty, giving a circumstan-

tial account of the alarming riot which broke out on the 6th instant amongst the American prisoners of war confined at Dartmoor, and of the measures which it became necessary to pursue for the purpose of restoring order; and I am directed by Lord Castlereagh to request that you will take an early opportunity of forwarding this statement of the unfortunate event to your Government.

I have the honor to be, sir, your most obedient humble servant,

J. P. MORIER.

R. G. BEASLEY, Esq.

From J. W. Croker to J. P. Morier.

ADMIRALTY OFFICE, April 10, 1815.

SIR: My Lords Commissioners of the Admiralty think it right to acquaint Lord Castlereagh that, on the evening of the 6th instant, a very alarming riot broke out among the American prisoners of war confined at Dartmoor. The rioters, it appears, endeavored to overpower the guard, to force the prison, and had actually seized the arms of some of the soldiers, and made a breach in the walls of the depot, when the guard found itself obliged to have recourse to their fire-arms, and five of the rioters were killed and thirty-three wounded; after which the tumult subsided, and the depot was placed in a state of tranquillity and security.

Admiral Sir J. T. Duckworth, Commander-in-Chief at Plymouth, having received information of this unfortunate event, lost no time in directing Rear-Admiral Sir Josias Rowley, Bart. and K. B., and Captain Shornberg, the two senior officers at that port, to proceed to Dartmoor, and to inquire into the circumstances. Those officers accordingly repaired to the depot, where they found, on examination of the officers of the depot, and all the American prisoners who were called before them, that the circumstances of the riot were as before stated, and that no excuse could be assigned for the conduct of the prisoners but their impatience to be released; and the Americans unanimously declared that their complaint of delay was not against the British Government, but against their own, which ought to have sent means for their early conveyance home; and, in replies to distinct questions to that effect, they declared they had no ground of complaint whatsoever.

Their Lordships think it right to add, that, on the 15th of last month, they directed the Transport Board to take measures for carrying the article of the treaty for the release of American prisoners into effect; and again, on the 30th ultimo, I was directed to write to know what steps had been taken under these directions; and the Transport Board answered, in their letter of the next day, that they had communicated with Mr. Beasley, the American agent, on the subject, who had acquainted them that he had already provided some transports, and was employed in procuring others, for the conveyance of the prisoners to America.

It will be for Lord Castlereagh to judge whether

Massacre at Dartmoor Prison.

it may not be proper to make a communication on this subject to the American Government.

I am, &c.

J. W. CROKER.

J. P. MORIER, Esq.

From R. G. Beasley to the Commissary General of Prisoners.

LONDON, April 15, 1815.

SIR: I enclose a copy of the report of the committee of our prisoners on the lamentable transaction of the 6th instant, which I communicated to you on the 13th, with a statement from the Admiralty office on that subject.

I have transmitted a copy of the report of the committee to Lord Castlereagh, as also affidavits of three prisoners, who were in the prison at the time, and have since arrived in town.

As soon as I can obtain a list of the names of the unfortunate sufferers, it shall be transmitted to you.

I have the honor to be, &c.

R. G. BEASLEY.

The Hon. JOHN MASON, &c.

From the Committee appointed to investigate the circumstances attending the massacre at Dartmoor.

We, the undersigned, being each severally sworn on the Holy Evangelists of Almighty God, for the investigation of the circumstances attending the late massacre, and having heard the depositions of a great number of witnesses, from our own personal knowledge, and from the depositions given in as aforesaid, report as follows:

That, on the 6th of April, about six o'clock in the evening, when the prisoners were all quiet in their respective yards, (it being about the usual time for turning in for the night,) and the greater part of the prisoners being then in the prisons, the alarm bell was rung. Many of the prisoners ran up to the market square to learn the occasion of the alarm. There were then drawn up in the square several hundred soldiers, with Captain Shortland (the agent) at their head; it was likewise observed, at the same time, that additional numbers of soldiers were posting themselves round the walls of the prison yard. One of them observed to the prisoners that they had better go into their prisons, for they would be charged upon directly. This, of course, occasioned considerable alarm among them; in this moment of uncertainty they were running in different directions, inquiring of each other what was the cause of the alarm—some towards their respective prisons, and some towards the market square; when about one hundred were collected in the market square, Captain Shortland ordered the soldiers to charge upon them, which orders the soldiers were reluctant in obeying, as the prisoners were using no violence; but, on the orders being repeated, they made a charge, and the prisoners retreated out of the square into their respective prison yards, and shut the gates after them. Captain Shortland

himself opened the gates, and ordered the soldiers to fire in among the prisoners, who were all retreating in different directions towards their respective prisons. It appears there was some hesitation in the minds of the officers, whether or not it was proper to fire upon the prisoners in that situation; on which Shortland seized a musket out of the hands of a soldier, which he fired. Immediately after, the firing became general, and many of the prisoners were either killed or wounded; the remainder were endeavoring to get into the prisons, when, going towards the lower doors, the soldiers on the walls commenced firing on them from that quarter, which killed some, and wounded others; after much difficulty, (all the doors being closed in the interim but one in each prison,) the survivors succeeded in gaining the prisons. Immediately after which, parties of soldiers came to the doors of Nos. 3 and 4 prisons, and fired several volleys into them through the windows and doors, which killed one man in each prison, and wounded severely several others.

It likewise appears that the preceding butchery was followed up with a disposition of peculiar inveteracy and barbarity. One man, who had been severely wounded in No. 7 yard, and, being unable to make his way to the prison, was come up with by the soldiers, whom he implored for mercy, but in vain; five of the hardened wretches immediately levelled their pieces at him, and shot him dead! The soldiers who were posted on the walls manifested equal cruelty, by keeping up a constant fire on every prisoner they could see in the yard endeavoring to get into the prisons, when the numbers were very few, and when not the least shadow of resistance could be made or expected. Some of them had got into No. 6 prison cook-house, which was pointed out by the soldiers on the walls to those who were marching in from the square; they immediately went up and fired into the same, which wounded several. One of the prisoners ran out, with the intention of gaining his prison, but was killed before he reached the door.

On an impartial consideration of all the circumstances of the case, we are induced to believe it was a premeditated scheme in the mind of Captain Shortland, for reasons which we will now proceed to give. As an elucidation of its origin, we will recur back to an event which happened some days previous. Captain Shortland was at the time absent at Plymouth, but, before going, he ordered the contractor or his clerk to serve out one pound of indifferent hard bread, instead of one pound and a half of soft bread, their usual allowance. This the prisoners refused to receive. They waited all day, in expectation of their usual allowance being served out; but at sunset, finding this would not be the case, they burst open the lower gates, and went up to the store, demanding to have their bread. The officers of the garrison, on being alarmed, and informed of the reasons of this proceeding, observed that it was no more than right the prisoners should have their usual allowance, and strongly reprobated the conduct of Captain Shortland in withholding it from

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them. They were accordingly served with their bread, and quietly returned to their prisons. This circumstance, with the censures that were thrown on his conduct, reached the ears of Shortland on his return home, and he must then have determined on the diabolical plan of seizing the first slight pretext to turn in the military to butcher the prisoners, for the gratification of his malice and revenge. It unfortunately happened, that in the afternoon of the 6th of April some boys, who were playing ball in No. 7 yard, knocked their ball over into the barrack yard, and, on the sentry in that yard refusing to throw it back again, they picked a hole through the wall to get in after it. This afforded Shortland his wished-for pretext, and he took his measures accordingly. He had all the garrison drawn up in the military walk, additional numbers posted on the walls, and everything ready prepared before the alarm bell was rung. This he naturally concluded would draw the attention of a great number of prisoners towards the gate, to learn the cause of the alarm, while the turnkeys were despatched into the yards to lock all the doors but one of each prison, to prevent the prisoners retreating out of the way before he had sufficiently wreaked his vengeance.

What adds peculiar weight to the belief of its being a premeditated massacre, are—

Firstly. The sanguinary disposition manifested on every occasion by Shortland; he having, prior to this time, ordered the soldiers to fire into the prisons, through the windows, upon unarmed prisoners asleep in their hammocks, on account of a light having been seen in the prisons; which barbarous act was repeated several nights successively; that murder was not committed was owing to an overruling Providence alone, for the balls were picked up in the prisons, where they passed through the hammocks of men then asleep in them; he having ordered the soldiers to fire upon the prisoners in the yard of No. 7 prison, because they would not deliver up to him a man who had made his escape from the Cachot, which order the commanding officer of the soldiers refused to obey; and, generally, he having seized on every slight pretext to injure the prisoners, by his stopping the marketing for ten days repeatedly, and once a third part of their provisions for the same length of time.

Secondly. He having been heard to say, when the boys had picked the hole in the wall, and some time before the alarm bell rung, and while all the prisoners were quiet in their respective yards, as usual, "I'll fix the damned rascals directly."

Thirdly. His having all the soldiers on their posts, and the garrison fully prepared, before the alarm bell was rung. It could not, of course, then be done to assemble the soldiers, but to alarm the prisoners and create confusion among them.

Fourthly. The soldiers on the wall, previous to the alarm bell being rung, informing the prisoners that they would be charged upon directly.

Fifthly. The turnkeys going into the yard and closing all the doors but one in each prison, whilst the attention of the prisoners was attracted by the alarm bell. This was done about fifteen minutes

sooner than usual, and without informing the prisoners it was time to shut up. It was ever the invariable practice of the turnkeys, (from which they never deviated before that night,) when coming into the yards to shut up, to halloo to the prisoners so loud as to be heard all over the yards, "turn in, turn in;" while on that night it was done so secretly, that not one man in a hundred knew they were shut; and, in particular, their shutting the door of No. 7, which the prisoners usually go in and out at, (and which was formerly always the last one closed,) and leaving one open in the other end of the prison, which was exposed to a cross-fire from the soldiers on the walls, and which the prisoners had to pass in gaining the prison.

It appears to us that the foregoing reasons sufficiently warrant the conclusions we have drawn therefrom. We likewise believe, from the depositions of men who were eye-witnesses of a part of Shortland's conduct on the evening of the 6th April, that he was intoxicated with liquor at the time; from his brutality in beating a prisoner who was then supporting another severely wounded; from the blackguard and abusive language he made use of; and from his having frequently been seen in the same state. His being drunk was, of course, the means of inflaming his bitter enmity against the prisoners, and no doubt was the principal cause of the indiscriminate butchery, and of no quarter being shown.

We here solemnly aver, there was no preconcerted plan to attempt breaking out. There cannot be produced the least shadow of a reason or inducement for that intention, the prisoners daily expecting to be released, and to embark on board cartels for their own native country; and we solemnly assert, likewise, that there was no intention of resisting, in any manner, the authority of the government of this depot.

[Signed by the Committee.]

N. B. Seven were killed, thirty dangerously and thirty slightly wounded, making a total of sixty-seven killed and wounded.

DARTMOOR PRISON, April 7, 1815.

We hereby certify this to be a true copy of the original report:

William B. Bond,	William Hobart,
James Boggs,	James Adams,
Francis Joseph,	John T. Trowbridge,
John Rust,	Henry Allen.
Walter Colton,	Thomas B. Mott,
	<i>Committee.</i>

R. G. Beasley to the Commissary General of Prisoners.
LONDON, April 18, 1815.

SIR: I had the honor to transmit, on the 13th and 15th instant, two reports on the unfortunate transaction of the 6th instant at Dartmoor prison—the one by the British authorities, and the other by a committee of our prisoners. The latter I lost no time in laying before this Government, and, on the receipt of it, Lord Castlereagh sought an interview with Mr. Clay and Mr. Gallatin, at which it was agreed that each party should ap-

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point a commissioner to investigate the circumstances. If it had suited the convenience of Mr. Clay or Mr. Gallatin to have undertaken it, one of the British Commissioners who signed the Treaty of Ghent would have been appointed to act with him; but as neither of these gentlemen could go, and as my presence here could not be dispensed with at present, they advised me to apply to Mr. Charles King, of New York, who has readily undertaken to act, although it interferes in some degree with his private affairs.

Mr. King left town last evening for Dartmoor, with a Mr. Larpent, who is to act with him.

The result of the investigation shall be transmitted to you as soon as received; in the meantime, I am happy to have it in my power to state that every disposition has been manifested to do what is due to the occasion.

I transmit, herewith, a list of the unfortunate sufferers in this affair.

I also enclose a copy of a letter which I have just received from the Transport Board, relative to the proposals I made, on the receipt of your letter of the 6th ultimo, for sending home our prisoners.

It is proper that I should here remark, that, at the interview which took place between Lord Castlereagh and Messrs. Clay and Gallatin, his Lordship proposed this arrangement, and that these gentlemen advised me to agree to it.

I have the honor to be, &c.

R. G. BEASLEY.

The Hon. JOHN MASON, &c.

List of prisoners wounded on the evening of the 6th April, 1815.

Thomas Smith, amputated thigh.

Philip Ford, punctured wound of the back, and punctured wound of the belly.

John Gray, amputated arm.

Robert Willet, (tawney,) amputated thigh.

James Bell, bayonet wound of the thigh.

Thomas Findlay, gunshot wound through the thigh and testicle; the ball entered the hip, and passed out the fore part of the thigh, and through the testicle.

William Leverage, lacerated hand and amputated thumb.

Joseph [Dezeck, (alias Masick,) gunshot wound of the thigh, through which the ball passed.

John Willett, (black,) fractured jaw, lacerated hip, complicated with a shattered state of the upper jaw.

James Esdaile, gunshot wound of the hip.

Henry Montcalm, gunshot wound of the left knee.

Frederick (or John) Howard, gunshot wound of the leg, through which the ball passed.

William Penn, (black,) gunshot wound of the thigh.

Robert Fitze, gunshot wound of the penis.

Cornelius Garrison, gunshot wound of the thigh. The ball passed through the limb.

James Turnbull, amputated arm.

Edward Whittlebanks, bayonet wound of the

back, producing paralysis of the sphincturæ ani et urini, with paralysis of the lower extremities.

Stephen Phipps, bayonet wounds of the abdomen and thigh.

James Wells, gunshot fracture sacrum and crista iliæ, and gunshot fracture of both bones of the left arm.

Caleb Coddington, gunshot wound of the leg.

Edward Gardner, gunshot fracture of the left arm.

Jacob Davis, gunshot wound of the thigh. The ball passed through the thigh.

John Hagabets, gunshot wound of the hip.

Peter Wilson, gunshot fracture of the hand. The ball passed through the palm of the hand.

John Perry, gunshot wound of the shoulder.

John Peach, gunshot wound of the thigh. The ball passed through the thigh.

John Roberts, (black,) gunshot wound of the thigh.

John Guie, amputated thigh.

Ephraim Lincoln, gunshot wound of the knee. Discharged cured 23d April, 1815.

John Wilson, bayonet wound. Discharged cured 12th April, 1815.

William Blake, bayonet wound. Discharged cured 12th April, 1815.

* Thomas Jackson, (black,) gunshot wound of the abdomen. He died early in the morning of the 7th.

* James Campbell, gunshot fracture, with depression of the whole of the frontal bone, orbital ridge, and nasal bones. He died on the morning of the 8th.

GEORGE MAGRATH.

Description of death wounds inflicted on the evening of April 6, 1815.

John Haywood, (black.) The ball entered a little posterior to the acromion of the left shoulder, and, passing obliquely upwards, made its egress about the middle of the right side of the neck.

Thomas Jackson. The ball entered the left side of the belly, nearly in a line with the navel, and made its egress a little below the false ribs in the opposite side; a large portion of the intestinal canal protruded through the wound made by the ingress of the ball. He languished until 8 o'clock on the morning of the 7th, when he died.

John Washington. The ball entered at the squamous process of the left temporal bone, and, passing through the head, made its exit a little below the crucial ridge of the occipital bone.

James Mann. The ball entered at the inferior angle of the left scapula, and lodged under the integument of the right pectoral muscle. In its course, it passed through the inferior margin of the right and left lobes of the lungs.

Joseph Toker Johnson. The ball entered at the inferior angle of the left scapula, penetrated the heart, and, passing through both lobes of the lungs, made its egress at the right axilla.

William Leveridge. The ball entered about the middle of the left arm, through which it passed, and, penetrating the corresponding side,

* These names are included in the list of deaths.

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betwixt the second and third ribs, passing through the left lobe of the lungs, the mediastinum, and over the right lobe, lodged betwixt the fifth and sixth ribs.

James Campbell. The ball entered at the outer angle of the right eye, and in its course it fractured and depressed the greater part of the frontal bone, fractured the nasal bones, and made its egress above the orbital ridge of the left eye. He languished until the morning of the 8th, when he died.

GEORGE MAGRATH.

A return of American prisoners of war who were killed and wounded in an attempt to force the military guard on the evening of the 6th of April, 1815.

Current number.	Number on general entry book.	Names.	Quality.	Ship.	Whether man of war, merchant vessel, or privateer.
KILLED.					
1	4,884	Wm. Leveridge,	Seaman,	Enterprise, prize to Saratoga, -	Privateer.
	970	James Mann,	Do.	Siroc, - - - - -	Letter of marque.
	3,134	John Haywood,	Do.	Gave himself up from H. M. ship Scipion.	
	1,347	Jos. T. Johnson,	Do.	Paul Jones, - - - - -	Privateer.
5	3,936	John Washington,	Do.	Rolla, - - - - -	Merchant vessel.
WOUNDED.					
1	6,520	*Thomas Jackson,	Boy,	Gave himself up from H. M. ship Prontes.	
	2,647	†James Campbell,	Seaman,	Volontaire.	
	5,769	John Guier,	Do.	Rambler, - - - - -	Merchant vessel.
	1,722	William Penn,	Do.	Despatch; impressed at London,	Merchant vessel.
5	5,003	Cornel's Garrison,	Do.	Invincible, - - - - -	Letter of marque.
	3,614	H. Montcalm,	Do.	Hornby, prize to Gov. Tompkins,	Privateer.
	1,965	Robert Willet,	Do.	H. M. ship Andromache.	
	5,326	John Peach,	Do.	Enterprise, - - - - -	Privateer.
	2,148	Ed. Whittlebanks,	Do.	H. M. ship Royal William.	
10	1,881	James Turnbull,	Boy,	Elbridge Gerry, - - - - -	Privateer.
	3,652	James Wells,	Seaman,	Thorn, - - - - -	Privateer.
	1,236	Philip Ford,	Do.	H. M. ship Sultan, - - - - -	
	685	James Bell,	Do.	Joel Barlow, - - - - -	Merchant vessel.
	94	John Gray,	Do.	St. Martin's Planter, - - - - -	Merchant vessel.
15	486	Wm. Leverage,	Do.	Magdelene, - - - - -	Merchant vessel.
	1,024	Edward Gardner,	Do.	Joseph, - - - - -	Merchant vessel.
	1,546	Stephen Phipps,	Do.	Zebra, - - - - -	Letter of marque.
	486	John Roberts,	Do.	Two Brothers; impressed at Cork,	Letter of marque.
	1,640	Thomas Smith,	Do.	Paul Jones, - - - - -	Privateer.
20	1,819	Caleb Coddington,	Do.	H. M. ship Swiftsure.	
	5,015	Jacob Davis,	Do.	Charlotte, prize to Mammoth, -	Privateer.
	2,013	James Esdaile,	Do.	Governor Tompkins, - - - - -	Privateer.
	380	Peter Wilson,	Do.	Virginia Planter, - - - - -	Merchant vessel.
	2,884	†William Blake,	Do.	H. M. ship Repulse.	
25	338	John Hagabets,	2d mate,	Good Friends, - - - - -	Merchant vessel.
	4,153	Ephraim Lincoln,	Seaman,	Argus, - - - - -	Merchant vessel.
	4,493	Thomas Findlay,	Do.	Enterprise - - - - -	Privateer.
	4,109	John Howard,	Do.	Flash, - - - - -	Privateer.
	1,228	Joseph Masick,	Do.	H. M. ship Furieux.	
30	6,123	Robert Fitzer,	Do.	Grand Turk, - - - - -	Privateer.
	1,812	John Willett,	Do.	H. M. ship Rosario.	
	3,080	John Perry,	Do.	H. M. ship Tiger.	
33	2,662	§John Wilson,	Do.	H. M. ship Fortune.	

TH. GEO. SHORTLAND, *Agent.*
GEO. MAGRATH, *Surgeon.*

* Dangerously; died April 7, 1815.

† Dangerously; died April 8, 1815.

‡ Discharged cured April 12, 1815.

§ Discharged cured April 12, 1815.

*Massacre at Dartmoor Prison.**From Alexander McLeay to R. G. Beasley.*

TRANSPORT OFFICE, April 19, 1815.

SIR: I am directed by the Commissioners for the transport service, &c., to acquaint you that the Lords Commissioners of the Admiralty have, by their order of yesterday's date, been pleased to signify the consent of his Majesty's Government that the expense of conveying the American prisoners of war from this country to America should be shared by the two Governments, leaving the interpretation of the article in the late Treaty of Peace upon this subject for future explanation; and that the board are accordingly about to take measures for providing vessels for the conveyance of the remainder of the prisoners, understanding that the vessels already engaged by you are calculated to convey about three thousand men. I am, sir, &c..

ALEXANDER McLEAY.

R. G. BEASLEY, Esq.

From R. G. Beasley to the Commissary General of Prisoners.

LONDON, April 30, 1815.

SIR: In my letter of the 19th instant I informed you of the measures which had been adopted here in consequence of the late unfortunate event at Dartmoor prison.

I have now the honor to transmit the copy of a letter addressed to me by Mr. Clay and Mr. Gallatin, relative to that occurrence, and to the transportation of the American prisoners in this country to the United States.

In the absence of Mr. Adams, it becomes my duty to communicate, for the information of our Government, the result of the investigation at Dartmoor. I enclose a copy of the joint report of the Commissioners appointed for that purpose; also a letter from Mr. King to Mr. Adams, and of a list of the killed and wounded on that melancholy occasion.

I shall leave to Mr. Adams any further steps which he may deem it proper to take in this business. I cannot, however, forbear to notice here the erroneous impression of the prisoners, that their detention so long has been owing to me. You are aware, sir, of my constant exertions during the war to effect their liberation. Immediately on the signing of the Treaty of Peace at Ghent, I received my instructions on that subject, proposing, as a condition, that all the prisoners who might be delivered over to me by the British Government should be considered as prisoners of war, and not at liberty to serve until regularly exchanged, in the event of the treaty not being ratified by the President. This proposition was declined, and in a peremptory manner. On the receipt of the intelligence of the ratification from America, I lost not a moment in requesting the release of the prisoners, according to the terms of the treaty; and the number of vessels which I had hired, as mentioned in my letter of the 13th instant, and which are now on their voyage to the United States, will show that the necessary steps were taken to provide for their immediate

transportation to their country. The prisoners also, were informed of these measures, and of the exertions which had been made from the commencement to return them to their homes with the least possible delay. Therefore, whatever may have been their uneasiness under confinement, and whatever hostile feelings they may have had towards me, as noticed in the report and in Mr. King's letter, I may say, with confidence, that I could not prevent the one, nor have I deserved the other.

I have the honor to be, &c.,

R. G. BEASLEY.

HON. JOHN MASON, &c.

Extracts of a letter from R. G. Beasley, Esq., Agent for American Prisoners of War in England, to the Commissary General of Prisoners, dated

OCTOBER 10, 1815.

"In compliance with the request contained in that of the 5th August, [the Commissary General's letter,] I transmit, herewith, copies of my correspondence with the Transport Board on the subject of the general release of American prisoners in this country on the conclusion of the treaty at Ghent, and on the receipt of the President's ratification; also, copies and extracts of letters informing the prisoners of the measures taken for their release, preceding the occurrence at Dartmoor of the 6th April.

"It was always my practice before requesting, by written communication, the release of prisoners, to urge the measure in person; and this repeatedly, until either it was granted, or there appeared not any hope of success; and then my letter followed, for the purpose of reducing the negotiation to a more official form. This practice I pursued upon the conclusion of the treaty at Ghent, when my request was refused; and again on the receipt of the ratification of the President, when the release was agreed upon. Upon these occasions I, of course, availed myself of every circumstance which I conceived calculated to accomplish the object I had in view; and I frequently found the board concurring with me upon points which, when submitted to the Admiralty, were rejected." "One of my letters, informing the prisoners of the measures taken for their release, was addressed to those on parole at Ashburton, which is about sixteen miles distant from Dartmoor, and with whom the prisoners at this place were in constant correspondence. I have to observe, further, that when inquiry as to the probable time of release was made at my office by friends of prisoners, which at that time was very frequently the case, they were always requested, when writing to them, to desire the information to be made as public in the prison as possible."

From R. G. Beasley to Alexander McLeay.

HARLEY STREET, Jan. 18, 1815.

SIR: A treaty of peace having been concluded at Ghent between Great Britain and the United

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States, I am induced, by a desire to shorten the sufferings of the American prisoners in this country, to address the board relative to them. I do this with the more confidence of its being favorably received, as I am persuaded that this wish is equally entertained by the British Government.

I have, therefore, to request that a certain number of prisoners may be released, as soon as I may be able to procure proper conveyances for them to the United States, under the condition that they shall be subject to exchange should the treaty not be ratified by the President of the United States. I am, &c.

R. G. BEASLEY.

A. McLEAY, Esq., *Transport Office.*

From Alexander McLeay to R. G. Beasley.

TRANSPORT OFFICE, Jan. 21, 1815.

SIR: Having received, and laid before the Commissioners for the transport service, &c., your letter of the 18th instant, proposing, under the circumstances therein stated, that a certain number of American prisoners of war may be permitted to return to the United States, I have it in command to acquaint you that the same has been referred to the consideration of the Lords Commissioners of the Admiralty, and that their Lordships have, in reply, been pleased to signify that they do not think proper to accede to your proposition. I am, &c.

A. McLEAY, *Secretary.*

From R. G. Beasley to Alexander McLeay.

HARLEY STREET, March 15, 1815.

SIR: The Treaty of Ghent having been ratified by the Governments of the United States and this country, and peace being thus happily restored between the two nations, I beg to inquire whether there is any objection to deliver over to me the prisoners detained in this country, as soon as I can provide for their conveyance?

I am, &c.

R. G. BEASLEY.

A. McLEAY, Esq., *Transport Office.*

From Alexander McLeay to R. G. Beasley.

TRANSPORT OFFICE, March 15, 1815.

SIR: I have received, and laid before the Commissioners of the transport service, &c., your letter of the 15th instant, requesting to be informed, under the circumstances therein stated, whether there be any objection to deliver over to you the Americans now detained as prisoners of war in this country, upon your providing vessels for their conveyance to the United States.

In reply, I am directed to acquaint you that the board are ready to embark all the prisoners in question, upon your providing vessels at Plymouth for their conveyance; it being understood that all the debts contracted by them in this country must previously be paid.

I am, &c.,

A. McLEAY, *Secretary.*

R. G. BEASLEY, Esq.

Extract of a letter from R. G. Beasley, addressed to the Committee of American Prisoners of War at Dartmoor.

LONDON, March 22, 1815.

"Three cartels are now preparing here, with all expedition, for the conveyance of the prisoners to the United States."

R. G. Beasley to American Prisoners of War at Ashburton.

AGENCY FOR AM. PRISONERS OF WAR,
London, March 24, 1815.

GENTLEMEN: I have to inform you, that the Treaty of Peace having been ratified by the President, the release of the prisoners of war will commence without delay.

Although I have not as yet received any instructions from our Government, I have engaged, and am fitting out, four vessels for their conveyance, to proceed to Plymouth to receive them, and shall use every despatch in sending them to the United States.

I am, &c.

R. G. BEASLEY.

Extract of a letter from R. G. Beasley to Captain T. G. Skortland, Agent for Prisoners of War at Dartmoor.

LONDON, March 25, 1815.

"I have engaged four vessels for cartels, which are fitting out with all despatch. They will sail, I hope, in five or six days for Plymouth, to receive prisoners. Their tonnage, together, is about 1,600 tons."

From R. G. Beasley to Dr. Magrath.

LONDON, March 31, 1815.

SIR: I have received your letter of the 29th instant, acquainting me with your opinion of the complaints of Mr. Proctor and Mr. Robinson, now in Dartmoor hospital. In return, I beg to inform you that these two prisoners shall be sent home in the first cartel, which will, I expect, sail from this place to-morrow for Plymouth.

I am, &c.

R. G. BEASLEY.

GEORGE MAGRATH, Esq., *Surgeon, &c.*

From R. G. Beasley to the Committee of American Prisoners of War.

AGENCY FOR AM. PRISONERS OF WAR,

London, March 31, 1815.

GENTLEMEN: It appearing by several letters which I have received from Dartmoor, that the prisoners have taken up an idea that any who may have the means of proceeding to the United States would, on application, receive a free discharge, I request that you will make it known throughout the prison that such is not the fact.

There must be other and better reasons to induce me to consent to their release in this manner, at this time. The situation of Europe, under the prospect of another war, multiplies the risk of impressment. I have taken measures to have

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them all released and sent home by cartels with as little delay as possible, where they are much wanted, and where wages are very high.

I am, &c.

R. G. BEASLEY.

STATE OF THE FINANCES.

[Communicated to the Senate, December 8, 1815.]

TREASURY DEPARTMENT, Dec. 6, 1815.

In obedience to the acts entitled, respectively, "An act to establish the Treasury Department," and "An act supplementary to the act entitled an act to establish the Treasury Department," the Secretary of the Treasury has the honor to lay before Congress the following report:

I. A cursory review of the financial operations of the Government, in reference to the recent state of war.

II. A view of the finances for 1815, with estimates of the public revenue and expenditures for 1816.

III. Propositions for the improvement and management of the revenue, and for the support of public credit.

I. *A cursory review of the financial operations of the Government in reference to the recent state of war.*

In order to introduce to the consideration of Congress, with advantage, the measures which will be respectfully suggested, for replacing the finances of the United States upon the basis of a Peace Establishment, a review of the financial operations of the Government, in reference to the recent state of war, appears to be a necessary preliminary.

The restrictive system, which commenced in the year 1807, greatly diminished the product of the public revenue; but it was not until the crisis involved an actual declaration of war, that the augmentation in the expenses of the Government became obvious and important. With the occasional aid of temporary loans the ordinary receipts of the Treasury had exceeded the ordinary expenditures, even during the period of a suspended commerce; and a report from this Department, presenting the estimates for the year 1812, seems to have given the first intimation that the portion of extraordinary expenses, to be incurred for the military and naval service, on account of the then existing state of the country, would raise the demands upon the Treasury to a considerable amount beyond the estimated product of the current revenue. The ordinary disbursements for the year ending on the 30th of September, 1811, were stated as amounting to the sum of \$13,052,657 73; and the ordinary receipts, for the same year, were stated as amounting to the sum of \$13,541,446 37, independent of a temporary loan raised in 1810, and repaid in 1811, as well as of the balances in the Treasury at the commencement and the close of the year. But the estimates for the year 1812 required, on

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account of the current expenses, the sum of \$9,400,000.

For the Civil and Diplomatic departments - - - \$1,260,000

For the Military Department, (including the militia, the Indian department, the charge of arsenals, army, and ordnance, &c.) - - - 3,415,000

For the Naval Department - - - 2,500,000

And for the interest on the public debt - - - 2,225,000

\$9,400,000

And the subsisting revenue to meet these expenses was estimated at \$8,200,000, proceeding—

From the customs - - - 7,500,000

From the sale of public lands - - - 600,000

And from miscellaneous payments - - - 100,000

8,200,000

Leaving a deficit, for which it was proposed to provide by a loan, amounting to the sum of - - - - - \$1,200,000

Such were the limited objects of expense, and such the limited means of supply, at the commencement of the year in which war was declared. An increase of the expense, and a diminution of the supply, must have been anticipated as the inevitable consequences of that event; but the Government reposed with confidence, for all the requisite support, upon the untried resources of the nation, in credit, in capital, and in industry. The confidence was justly reposed; yet it may, perhaps, be considered as a subject for regret, and it certainly furnishes a lesson of practical policy, that there existed no system by which the internal resources of the country could be brought at once into action, when the resources of its external commerce became incompetent to answer the exigencies of the times.

The existence of such a system would, probably, have invigorated the early movements of the war; might have preserved the public credit unimpaired; and would have rendered the pecuniary contributions of the people more equal as well as more effective. But, owing to the want of such a system, a sudden and almost an exclusive resort to the public credit was necessarily adopted as the chief instrument of finance. The nature of the instrument employed was soon developed; and it was found that public credit could only be durably maintained upon the broad foundations of public revenue.

On the opening of the session of Congress in November, 1811, the legislative attention was devoted to the organization of the Military and Naval Department upon the enlarged scale of the War Establishment; so that the appropriations for this purpose far exceed, in a short time, the estimates and the resources of the Treasury, as they have been already described. Ways and means were, therefore, provided to meet the extraordinary demands thus created; but they were deriv-

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ed exclusively from the operations of foreign commerce and public credit.

1. The Mediterranean fund was at first continued until the 4th of March, 1813, and afterwards until March, 1815, when it became extinct, affording an additional duty of two and a half per cent. *ad valorem* on all imported goods paying duties *ad valorem*; and a discriminating duty of ten per cent. upon that additional duty, in respect to all goods imported in vessels not of the United States.

2. There were imposed an additional duty of one hundred per cent. upon the permanent duties on goods imported into the United States, from any foreign place, a discriminating duty of ten per cent. upon that additional duty, in respect to all goods imported in vessels not of the United States; and an additional duty of one dollar and fifty cents per ton (the previous duty being at the rate of fifty cents per ton) upon all vessels belonging wholly or in part to the subjects of foreign Powers. But the continuance of the act being limited to the expiration of one year after the conclusion of the peace, those additional duties will cease on the 17th of February, 1816.

3. An authority was given to raise, by loan, a sum not exceeding \$11,000,000, and to create stock for the amount, bearing interest, not exceeding the rate of six per cent. per annum, and reimbursable at any time after the expiration of twelve years, from the 1st of January, 1813. The payment of the interest, and the redemption or the purchase of this stock, are charged upon the Sinking Fund.

4. And an authority was given to issue Treasury notes for a sum not exceeding \$5,000,000, bearing interest at the rate of five and a half per cent. per annum, and reimbursable at such places, respectively, as should be expressed on the face of the notes, one year after the day on which the same shall have been issued. The notes were declared to be receivable in payment of all duties and taxes laid by the United States, and all public lands sold by their authority; and the payment of interest, and the redemption or the purchase of these notes were charged, like the funded debt, upon the Sinking Fund.

The effect of the additional ways and means provided by Congress, from time to time, during the late war, may readily be traced. From the report, dated the 1st of December, 1812, it appears that the actual receipts into the Treasury, during the year ending on the 30th of September, 1812, including a portion of the loan, and the issue of Treasury notes, amounted to the sum of \$16,782,159 40; (almost double the amount of the previous estimate;) and that the actual disbursement for the same year amounted to the sum of \$18,368,325 7. (which was, also, almost double the amount of the previous estimate,) independent of the balances in the Treasury at the commencement and the close of the year. But the estimates for the year 1813 required, on account of the accumulating expenditures, a sum of \$31,925,000.

For the Civil and Diplomatic Departments	-	\$1,500,000
For the Military Department	-	17,000,000
For the Naval Department	-	4,925,000
And for the interest and reimbursement of the principal of the public debt	-	8,500,000
		<hr/> \$31,925,000
And the subsisting revenue to meet these expenditures was estimated at the sum of \$12,000,000, proceeding—		
From the customs	-	11,500,000
From the sales of public lands, &c.	-	500,000
		<hr/> 12,000,000

Leaving a deficit, for which it was proposed to provide, first by the outstanding balances of the authorized loan and issue of Treasury notes, and second by a new authority to borrow, and to issue Treasury notes to the amount of

\$19,925,000

During the session of Congress, which commenced in November, 1812, and closed on the 3d of March, 1813, the appropriations for the Army, the Navy, and other branches of the public service, were considerably augmented; but, without adverting to the imposition of a small duty upon imported iron-wire, no new source of revenue was then opened, but additional aid was extended to the Treasury by authorizing a repetition of the appeal to public credit.

1. An authority was given to raise, by loan, a sum not exceeding \$16,000,000, and to create stock for the amount, bearing interest not exceeding the rate of six per cent. per annum, and reimbursable at any time after the expiration of twelve years, from the 1st of January, 1814. The payment of the interest, and the redemption or purchase of this stock, are charged upon the Sinking Fund.

2. And an authority was given to issue Treasury notes for a sum not exceeding \$5,000,000, absolutely, with a provisional authority to issue an additional sum of \$5,000,000, to be deemed and held to be a part of the loan of \$16,000,000, authorized as above stated to be raised. The notes were to bear interest at the rate of five and two-fifths per cent. per annum, to be reimbursable at such places, respectively, as should be expressed on the face of them, one year after the day on which they should be issued; to be receivable in payment of all duties and taxes laid by the United States, and all public lands sold by their authority; and the payment of the interest, and the redemption or purchase of these notes were charged, like the funded debt, upon the Sinking Fund.

The necessities of the Treasury becoming, however, more urgent, and the reliance on the public credit becoming more hazardous, Congress determined, at a special session, which commenced in May, 1813, to lay the foundation of a system of internal revenue; selecting, in particular, those subjects of taxation which were recommended by the experience of a former period, and computing

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their general product at the sum of \$5,000,000. The continuance of these taxes being limited, at first, to one year after the termination of the war, they acquired the denomination of the "war taxes;" but, by subsequent laws, almost all the existing revenues are pledged, with the faith of the United States, to provide for the payment of the expenses of Government, for the punctual payment of the public debt, principal and interest, according to the contracts; and for creating an adequate sinking fund, gradually to reduce, and eventually to extinguish, the public debt; until those purposes shall be accomplished, or until Congress shall provide and substitute, by law, for the same purposes, other duties, which shall be equally productive. In the session of May, 1813—

1. A direct tax of \$3,000,000 was laid upon the United States and apportioned to the States respectively for the year 1814, and it was afterwards subjected to the general pledge above stated.

2. A duty of four cents per pound was laid upon all sugar refined within the United States. The continuance of the duty was limited to one year after the war; and, as the general pledge has not been applied to it, the duty will cease on the 17th of February, 1816.

3. A duty was laid upon all carriages, for the conveyance of persons, kept by any person for his own use, or to be let out for hire, or for the conveyance of passengers; which was graduated according to the denomination of the carriage, from the yearly sum of \$20, to the yearly sum of \$2. The continuance of this duty was originally limited to the war; but the general pledge has been applied to it, with some modifications in the mode of laying and collecting the duty.

4. A duty was imposed on licenses to distillers of spirituous liquors, which was graduated according to the capacity of the still, the time of employing it, and the materials consumed. The continuance of this duty was originally limited to the war; but the general pledge has been applied to it, with considerable modifications in the principles and provisions of the law.

5. A duty was laid on sales, at auction, of merchandise, and of ships and vessels, at the rate of one per cent. of the purchase money of goods, and of twenty-five cents for every hundred dollars of the purchase money of ships and vessels. The continuance of this duty was originally limited to the war; but the general pledge has been applied to it, with a considerable addition to the amount, and a modification of the provisions of the law.

6. A duty was laid on licenses to retailers of wines, spirituous liquors, and foreign merchandise, graduated according to the place of retailing, and the nature of the article retailed. The continuance of this duty was originally limited to the war; but the general pledge has been applied to it.

7. A duty was laid on notes of banks, and bankers; on bonds, obligations, or promissory notes, discounted by banks or bankers; and on foreign or inland bills of exchange, above \$50, and having

one or more endorsers; graduated according to the nominal amount of the instrument. The continuance of this duty was limited to one year after the war; and as the general pledge has not been applied to it, the duty will cease on the 17th of February, 1816.

But besides the direct tax and the internal duties, there were added to the resources of the Treasury, during the session of May, 1813—

8. A duty of twenty cents per bushel upon all salt imported from any foreign place into the United States; which, being limited to the war, and not being included in the general pledge, will cease on the 17th of February, 1816.

9. And an authority to raise, by loan, a sum not exceeding \$7,500,000, and to create stock for the amount, reimbursable at any time after the expiration of twelve years from the 1st of January, 1814. The rate of interest was not limited by the law; but it was provided, that no certificate of stock should be sold at a rate less than eighty-eight per cent., or \$88, in money, for \$100 in stock. The payment of the interest, and the redemption or the purchase of this stock, are charged upon the Sinking Fund.

The sources of the revenue thus opened in 1813, could not, however, be expected to aid the Treasury until 1814; and, accordingly, in the annual report from this department, dated the 8th January, 1814, neither the direct tax, nor the internal duties, will be found as an item of the actual receipts into the Treasury, during the year ending the 30th of September, 1813. The amount of those receipts was stated in the proceeds of the customs of the sales of public lands, &c., at \$13,568,042 43, and in the proceeds of loans and Treasury notes at \$23,976,912 50, making together \$39,907,607 62; and the actual disbursements of the same period were stated at \$32,928,855 19, independent of the balances in the Treasury at the commencement and the close of the year. But the estimates for the year 1814 required a sum of \$45,350,000.

For civil, diplomatic, and miscellaneous expenses - - - - -	\$1,700,000
For the payment of interest on the old and new debt, and the instalments of the principal of the old debt - - -	12,200,000
For the Military Establishment - - -	24,550,000
For the Naval Establishment - - -	6,900,000
	<hr/>
	45,350,000

And the subsisting revenue to meet these expenditures was estimated at the sum of \$14,370,000, proceeding—

From the customs and sales of public lands - - - - -	\$6,600,000
From the internal duties and direct tax - - - - -	3,500,000
From a balance of loans and Treasury notes - - - - -	4,270,000
	<hr/>
	14,370,000

Leaving a deficit, for which it was proposed to provide, 1st, by a part of the balance in the Treasury, and, 2d, by loans and Treasury notes, amounting to 30,980,000

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For the deficit thus approaching the sum of \$40,000,000, the only provision made during the session, which commenced in December, 1813, rested again upon the public credit.

1. An authority was given to issue Treasury notes for a sum not exceeding \$5,000,000, absolutely; with a provisional authority to issue an additional sum of \$5,000,000, to be deemed and held to be a part of any loan which might be authorized during the session. The notes were to bear interest at the rate of five and two-fifths per cent. per annum; to be reimbursable at such places respectively, as should be expressed on the face of them, one year after the day on which they should be issued; to be receivable in payment of all duties and taxes laid by the United States, and all public lands sold by their authority; and the payment of the interest, and the redemption, or purchase of these notes, were charged, like the funded debt, upon the Sinking Fund.

2. And an authority was given to raise, by loan, a sum not exceeding \$25,000,000, and to create stock for the amount, reimbursable at any time after the expiration of twelve years from the last day of December, 1814. Neither the rate of the interest, nor the price of the stock, was limited; and the payment of the interest, and the redemption or the purchase of the stock, are charged upon the Sinking Fund.

The embarrassments of the Treasury, after the adjournment of Congress in the year 1814, became extreme. It appears that the disbursements, during the first half of that year, had amounted to the sum of \$19,693,781 27.

For the civil, diplomatic, and miscellaneous expenses -	\$1,444,762 60
For the Military Department -	11,210,238 00
For the Naval Department -	4,012,199 90
For the public debt -	3,026,580 77
	<u>\$19,693,781 27</u>

And the balance of the appropriations for the same objects of expenditure required, during the other half of the same year, was stated at the sum of - 27,576,391 19
47,270,172 46

But the actual receipts into the Treasury, during the first half of the year 1814, had amounted to \$19,219,946 33, proceeding—

From the customs -	4,182,088 25
From the sale of public lands, (including those in the Mississippi Territory, the proceeds of which are payable to the State of Georgia,) -	540,065 68
From the internal duties and direct tax -	2,189,272 40
From postage and incidental receipts -	166,744 00
From loans -	9,679,676 00
From Treasury notes -	2,426,100 00
	<u>19,219,946 33</u>

And it was estimated that there would be received from the same sources of revenue, (including loans and Treasury notes to the amount of \$8,320,000,) during the other half of the same year, the sum of - 13,160,000 00
32,379,946 33

To this amount add the balance of the cash in the Treasury on the 1st of July, 1814 - - - - 4,722,639 22

And the estimated aggregate of the funds to meet the demands on the Treasury to the close of the year 1814, was the sum of - 37,102,585 55
Leaving a deficit for the service of 1814, after absorbing all the cash of the Treasury, amounting to the sum of \$10,167,586 91

To supply this deficit of \$10,167,586 91, to provide an additional sum for the contingencies of the year, and to accelerate the fiscal measures, which were essential to the prosecution of the war in 1815, the interposition of the Legislature was deemed indispensable. The plan of finance, which was predicated upon the theory of defraying the extraordinary expenses of the war by successive loans, had already become inoperative. The product of the revenues had ceased to furnish an amount equal to the expenditure of the former Peace Establishment, with an addition of the interest upon the debt contracted on account of the war. And the sudden suspension of specie payments at the principal banks established in the different States, (however it may be excused, or justified, by the apparent necessity of the case,) had exposed the Government, as well as private citizens, to all the inconveniences of a variable currency, devoid, alike, of national authority and of national circulation. The Treasury could no longer transfer its funds from place to place; and it became, of course, impracticable to maintain the accustomed punctuality in the payment of the public engagements.

Under these circumstances, the Congress was convened by the special call of the President, in September, 1814, when the citizens of every occupation and pursuit seemed eager to second the legislative efforts to replenish an exhausted Treasury, and to renovate the public credit. Commerce continued to contribute, perhaps, to the extent of its capacity. Agriculture, though suffering the want of a vent for some of its important staples, was every where prepared for the requisite exertion. Domestic manufactures, which had scarcely surmounted the first struggle for existence, yielded to the patriotic impulse; and the capital of individuals, in all its variety of form, offered a ready tribute to relieve the necessities of the country. Thus, during the session which commenced in September, 1814, and closed on the 3d of March, 1815—

1. The following internal duties were increased

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in their amount; the duties were rendered permanent, and the general pledge was applied to them:

(1.) The direct tax was raised to an annual sum of \$6,000,000, and it was extended to the District of Columbia.

(2.) The duty on carriages was raised, and a duty on the harness was added.

(3.) The duty on licenses to distillers of spirituous liquors was continued, and a duty on the spirits distilled was added.

(4.) The duties on sales at auction, and on licenses to retail wines, spirituous liquors, and foreign merchandise, were raised.

(5.) The rates of postage were raised fifty per cent.

2. The following new duties were permanently laid, and the general pledge was applied to them. But it was, at the same time, declared, that so long as the duties imposed on the articles of domestic manufacture should continue to be laid, the duties then payable on the like description of goods imported into the United States, should not be discontinued or diminished.

(1.) Duties on various articles, manufactured or made for sale within the United States or their Territories, as specified in the annexed table, marked B.

(2.) Duties on articles in use, to wit:

On household furniture, the value in any one family (with certain exceptions) exceeding \$200 in money, according to a scale graduated from \$1 on a value of \$400, to \$100 on a value of \$9,000.

On every gold watch kept for use, \$2.

On every silver watch kept for use, \$1.

But, besides establishing these sources of revenue, (and others were contemplated at the period when the Treaty of Ghent was announced,) Congress sought to confer upon the Treasury the means of anticipating the collection of the duties, of recovering the punctuality of its payments, and of inviting the co-operation of the moneyed institutions and moneyed men of the United States, in plans for restoring a uniform and national currency. With these views various measures were sanctioned.

1. An authority was given to raise, by loan, a sum not exceeding \$3,000,000, (particularly destined to provide for the expenditures of the last quarter of the year 1814.) and to create stock for the amount, reimbursable at any time after the 31st of December, 1814. No limitation was prescribed as to the rate of interest, or the price of the stock, but it was declared that, in payment of subscriptions to this loan or to loans authorized by any other act of Congress, it should be lawful to receive Treasury notes becoming due on or before the 1st of January, 1815, at their par value, together with the interest accrued.

The payment of the interest, and the redemption, or the purchase of the stock to be thus created, were charged upon the Sinking Fund, but the act contained these further assurances. 1st. That, in addition to the annual sum of \$8,000,000, heretofore appropriated to the Sinking Fund, adequate and permanent funds should be provi-

ded and appropriated during that session of Congress, for the payment of the interest and the reimbursement of the principal of the stock; and, 2d, that an adequate and permanent sinking fund gradually to reduce, and eventually to extinguish the public debt contracted during the war, should also be established during the same session of Congress.

2. An authority was given to anticipate the collection and receipt of the duties on licenses to distillers of spirituous liquors, and on distilled spirits, by obtaining a loan upon the pledge of the duties to an amount not exceeding \$6,000,000, and at a rate of interest not exceeding six per cent. per annum. And a similar authority was given to raise a like sum, at the same rate, by the pledge of the direct tax.

3. An authority was given to issue Treasury notes for so much of the sums authorized to be borrowed under the acts of the 24th of March, and the 15th of November, 1814, as had not been borrowed, or otherwise employed in the issue of Treasury notes; provided, that the whole amount should not exceed the sum of \$7,500,000. And, by the same act, an authority was also given to issue a further sum of \$3,000,000, to supply a deficiency in the appropriations for the expenses of the War Department. The Treasury notes, issued under these authorities, were in all respects similar to the prior issues of Treasury notes, except that the payment of the interest, and the reimbursement of the principal, were not, as heretofore, charged upon the Sinking Fund, but upon any money in the Treasury not otherwise appropriated.

4. An authority was given to issue and re-issue Treasury notes for a sum not exceeding \$25,000,000, upon principles essentially different from the prior issues.

(1.) These Treasury notes might be of any denomination. If they were of a denomination less than \$100, they were to be payable to the bearer, to be transferable by delivery, and to bear no interest. This denomination has acquired the designation of "Small Treasury Notes." If they were of the denomination of \$100 or upwards, they might conform to the foregoing description, or they were to be payable to order, to be transferable by endorsement, and to bear interest at the rate of 5 2-5 per cent. per annum. This denomination (of which only notes for \$100, bearing interest, have been issued) has acquired the designation of "Treasury notes of the new emission."

(2.) The principal and interest of these Treasury notes are not payable at any particular time, but the notes are everywhere receivable in all payments to the United States.

(3.) The holders of "small Treasury notes" may exchange them, at pleasure, in sums not less than \$100, for certificates of funded stock, bearing interest at seven per cent. per annum, from the first day of the calendar month next ensuing that in which the notes shall be presented to the Treasury of the United States, or to a commissioner of loans, for the purpose of exchange.

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(4.) The holders of "Treasury notes of the new emission" may exchange them, at pleasure, in sums not less than \$100, for certificates of funded stock, bearing interest at six per cent. per annum, from the first day of the calendar month next ensuing that in which they shall be presented to the Treasury of the United States, or a commissioner of loans.

(5.) The stock, thus created by the exchange of Treasury notes of either denomination, is reimbursable at any time after the 31st of December, 1824, and it is charged upon such funds as had been, or should be, established by law for the payment and reimbursement of the funded public debt contracted since the declaration of war.

5. An authority was given to raise, by loan, a sum not exceeding \$18,452,800, and to create stock for the amount, reimbursable at any time after the expiration of twelve years from the last day of December, 1815. Neither the rate of interest nor the price of the stock was limited; but it was declared that there might be received in payment of subscriptions to the loan, such Treasury notes as were actually issued before the passing of the act, and which were made by law a charge on the Sinking Fund. And the payment of the interest, and the reimbursement on the purchase of the principal of the stock are charged upon the Sinking Fund.

6. It was declared that any holder of any Treasury note issued, or authorized to be issued, under any laws previously passed, might convert them into certificates of funded debt, bearing an interest of six per cent. per annum.

7. And it was declared that it should be lawful for the Secretary of the Treasury to cause to be paid the interest upon Treasury notes which have become due and remain unpaid, as well with respect to the time elapsed before they became due, as with respect to the time that shall elapse after they become due; and, until funds shall be assigned for the payment of the said Treasury notes, and notice thereof shall be given.

The progress of expenditure and of revenue for the entire period of the war is thus developed, and, independent of the balance of the appropriations for the year 1814, which is transferred to the accounts for the year 1815, the subject may be reduced to the following general abstract:

The actual receipts of the Treasury.

In 1812, they amounted to the sum of \$22,639,032 76
 From revenue - - \$9,801,132 76
 From loans - - 10,002,400 00
 From Treasury notes, 2,835,500 00

In 1813, they amounted to the sum of 40,524,844 95
 From revenue - - \$14,340,709 95
 From loans - - 20,089,635 00
 From Treasury notes, 6,094,500 00

In 1814, they amounted to the sum of \$34,878,432 25
 From revenue - - \$11,500,606 25
 From loans - - 15,080,546 00
 From Treasury notes, 8,297,280 00

The aggregate amount of the receipts into the Treasury, for the three years of war, being the sum of \$98,042,309 96

The actual disbursements of the Treasury.

In 1812, they amounted to the sum of \$22,279,121 15

For the civil, diplomatic, and miscellaneous expenses of Government - \$1,791,360 31

For the military service, (including the Indian Department,) 12,078,773 24

For the naval service, 3,959,365 15
 For the public debt, 4,449,622 45

In 1813, they amounted to the sum of 39,190,520 36

For the civil, diplomatic, and miscellaneous expenses of Government - \$1,833,308 80

For the military service, (including the Indian Department, &c.) - 19,802,488 02

For the naval service, 6,446,600 10
 For the public debt, 11,108,123 44

In 1814, they amounted to the sum of 38,547,915 62

For the civil, diplomatic, and miscellaneous expenses of Government - \$2,337,897 13

For the military service, (including the Indian Department, &c.) - 20,510,238 00

For the naval service, 7,312,899 90
 For the public debt, 8,386,880 59

\$100,017,557 13

But, as the receipts of the Treasury for the year 1815 are derived principally from the war revenue and resources, and as its expenditures arise, also, principally from the arrearages of the war demands, it is proper to comprise them, as far as they are ascertained, in the following supplemental statement:

1. The gross receipts of the Treasury for 1812, 1813, and 1814, amounted, as above stated, to the sum of \$98,042,309 96

The receipts of the Treasury for 1815, to the 30th of September last, cannot be precisely stated, as the accounts to that time are not yet actually made up; but they are estimated to have amounted to the sum of - - - 39,372,000 00

From revenue - \$12,400,000 00
 From loans - 11,034,000 00

From Treasury notes, 15,938,000 00

\$39,372,000 00

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The aggregate of the receipts of the Treasury from the 1st of January, 1812, to the 30th of September, 1815, being the sum of - \$137,414,309 96

2. The gross disbursements of the Treasury for 1812, 1813, and 1814, amounted, as above stated, to the sum of - \$100,017,557 13

The disbursements of the Treasury for 1815, to the 30th of September last, amounted to the sum of - 33,686,323 18

For the civil, diplomatic, and miscellaneous expenses - \$2,537,000 00

For the military service, &c. - 15,190,144 71

For the naval service, &c. - 7,050,000 25

For the public debt - 8,909,178 22

\$33,686,323 18

The aggregate of the disbursements of the Treasury from the 1st of January, 1812, to the 30th of September, 1815, being the sum of - \$133,703,880 31

It will be natural here to inquire into the general effects of the war upon the public debt of the United States; and the annexed table, marked C, exhibits a detailed statement of the unsatisfied amount, on the 1st day of January, annually, from the year 1791 to the year 1815, both inclusive. The subject, however, may be placed distinctly in the following point of view, upon estimates referring to the date of the 30th of September, 1815:

Of the Public Debt.

2. The amount of the funded debt contracted before the late war, which remained unsatisfied on the 30th of September, 1815, may be stated at the sum of \$39,135,484 96, to wit:

(1.) In old six per cent. stock, the nominal amount being - \$17,350,871 39

And the amount reimbursed being - 13,467,587 00

Balance due on the 30th of September, 1815 - 3,783,284 39

(2.) In deferred six per cent. stock, the nominal amount being - 9,358,320 85

And the amount reimbursed being - 4,152,543 93

Balance due on the 30th of September, 1815 - 5,205,776 42

(3.) In three per cent. stock - 16,158,177 43

(4.) In exchanged six per cent. stock, under the act of 1812 - 2,984,746 72

(5.) In six per cent. stock of 1796 - 80,000 00

(6.) In Louisiana six per cent. stock 10,923,500 00

Balance on the 30th of September, 1815, of the whole of the public debt contracted before the war - \$39,135,484 96

2. The amount of the funded debt contracted on account of the late war, on the 30th of September, 1815, may be stated at the sum of \$63,144,972 50, to wit:

(1.) In six per cent. stock of 1812, (the \$11,000,000 loan,) authorized by the act of the 4th of March, 1812, obtained at par, and not reimbursable before the year 1825 - 7,860,500 00

(2.) In six per cent. stock of 1813, (the \$16,000,000 loan,) authorized by the act of the 8th of February, 1813, obtained at the rate of \$88 in cash for \$100 in stock, and not reimbursable before the year 1826 - 18,109,377 48

(3.) In six per cent. stock of 1813, (the \$7,500,000 loan,) authorized by the act of the 2d of August, 1813, obtained at the rate of \$88 25 in money for \$100 in stock, and not reimbursable before the year 1826 - 8,498,581 95

(4.) In six per cent. stock of 1814, (which arose from loans in parts of a sum of \$25,000,000, called the \$10,000,000 loan and the \$6,000,000 loan,) authorized by the act of the 24th of March, 1814, obtained at different rates, and not reimbursable before 1827, to wit:

\$12,292,888 90, at 80 per cent. stock 15,366,111 21
140,810 00, at 85 per cent. do. - 165,658 82
43,222 22, at 90½ per cent. do. - 47,657 79
74,590 75, at 90½ per cent. do. - 82,420 72

12,551,511 87.

(5.) In six per cent. stock of 1815, (the \$12,000,000 loan,) authorized by the act of the 3d of March, 1815, obtained at different rates, payable in Treasury notes, or in cash, and not reimbursable before 1827, to wit:

\$7,924,219 59, at 95 per cent. stock - 8,341,283 77
1,047,846 30, at 96½ per cent. do. - 1,085,851 08
32,978 49, at 97 per cent. do. - 33,998 44
275,000 00, at 98 per cent. do. - 280,612 24
4,000 00, at par do. - 4,000 00

(6.) In seven per cent stock of 1815, created by funding Treasury notes not bearing interest, issued part at par, and part upon an advance, under the act of the 24th of February, 1815, and not reimbursable until 1825 - 3,268,949 00

Estimated amount of the whole of the funded public debt in reference to the late war - 63,144,972 50

3. The amount of the floating debt contracted since the commencement of the late war, calculated to the 30th of September, 1815, may be stated at the sum of \$17,355,101, to wit:

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(1.) The aggregate of Treasury notes issued under the authority of the several acts of Congress passed prior to the act of the 24th of February, 1815, amounted to the sum of \$20,201,600 00, to wit:

Payable in the year 1814,	
but unpaid	- 2,799,200 00
Payable in the year 1815,	
but unpaid	- 7,847,280 00
Payable in the year 1816,	
but unpaid	- \$2,772,720 00
Payable also in 1816, (is-	
ssued under the special	
authority of the act of	
the 26th of December,	
1814,) but unpaid	- 8,318,400 00
	21,737,600 00

Deduct the amount reim-
bursed in 1815, at Phil-
adelphia, Baltimore,
Washington, Charles-
ton and Savannah) - 1,536,000 00

20,201,600 00

Of this aggregate there
has been subscribed in
principal and interest
to the loan of 1815,
about the sum of - 4,531,587 06

From which deducting
an average estimate of
near one year's inter-
est, about the sum of 216,587 06

There will remain for the
amount of principal
subscribed to the loan,
about the sum of - 4,315,000 00

And it is estimated that
there has been paid on
account of duties and
taxes to the collectors
of the customs, the in-
ternal duties, and the
direct tax, about the
sum of - 1,200,000 00

5,515,000 00

Outstanding amount of Treasury notes
bearing interest at 5 2-5 per cent.
per annum, about the sum of - 14,686,600 00

(2.) The aggregate of
small Treasury notes
issued and reissued
under the act of the
24th February, 1815,
amounts to about the
sum of - 4,142,850 00

Of this aggregate there
has been funded for
seven per cent. stock,
included in the fore-
going statement of the
funded public debt,
about the sum of - 3,268,949 00

And there has been paid
on account of duties
and taxes, about the
sum of - 50,000 00

3,318,949 00

Outstanding small Treas-
ury notes, about the
sum of - - - - \$823,901 00

(3.) The aggregate of
Treasury notes of the
new emission, issued
under the act of the
24th February, 1815,
amounts to about the
sum of - - - - 694,600 00

Leaving the amount of
floating public debt, in
Treasury notes, on the
1st of October, 1815,
about the sum of - - - - 16,205,101 00

But to this amount of the
public floating debt, in
Treasury notes, there
must be added the
following temporary
loans, to wit:

(1.) A temporary loan,
made by the State
Bank of Boston in
1812, payable the 15th
and 31st of Decem-
ber, 1814, but unpaid 500,000 00

(2.) A temporary loan,
made by the Cumber-
land Bank in 1812,
payable the 15th of
November, 1817 - 50,000 00

(3.) A temporary loan,
made by the Bank of
the State of South Car-
olina, in 1814, payable
the 1st of December,
1815 - - - - 50,000 00

(4.) A temporary loan,
made by the Mechan-
ics' Bank of New York,
in 1815, payable when
demanded - - - 200,000 00

(5.) A temporary loan,
made by the State of
New York, payable in
the year 1817 - - 350,000 00

1,150,000 00

Making the aggregate
amount of the floating
public debt about the
sum of - - - - 17,355,101 00

RECAPITULATION.

1. The amount of the unsatisfied funded public debt,
contracted before the war, on the 30th of Septem-
ber, 1815, was the sum of - - \$39,135,484 96

2. The amount of the
funded public debt
contracted, in refer-
ence to the late war,
on the same day, the
sum of - - - 63,144,972 50

3. The amount of the
floating public debt,
contracted since the
war, was, on the
same day, the sum of 17,355,101 00

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Total of the ascertained amount of the public debt created since the war, to the 30th of September, 1815 - - - - - \$80,500,073 50

Total amount of the national debt on the 30th of September, 1815 - - - - - 119,635,558 46

It is proper to remark, that the aggregate of the national debt thus stated to the 30th of September, 1815, is subject to considerable changes and additions. The floating debt in Treasury notes is convertible, at the pleasure of the creditors, into funded debt; and, independent of a direct application of the current revenue to discharge the Treasury notes, as well as the temporary loans, there must be a great, though gradual reduction of the floating debt, by the payments made in Treasury notes, for duties, taxes, and public lands. There are, indeed, some claims known to exist for loans, supplies, and services, during the late war, which have not been liquidated, or are not embraced by existing appropriations; and doubtless there are other legal and equitable claims which have not yet been brought into view, in any form, at the accounting departments, but which may eventually receive the sanction of Congress. It is not, however, within the scope of any estimate hitherto made, to state the probable addition to the funded debt, under all circumstances, at more than \$7,000,000, which would consequently place the aggregate of the funded debt, created in consequence of the war, at a sum not much exceeding \$70,000,000. But it may be important to recollect, that the war debt has not been entirely incurred for objects limited to the continuance of the war; and that the military and naval establishments in particular have derived durable advantages from the expenditures of the Treasury.

For the payment of the interest, and the reimbursement or gradual extinguishment of the national debt, the resources of the Treasury are abundant, although the state of the circulating medium (which will be more particularly considered hereafter) has rendered it impracticable to obtain at all times, upon reasonable terms, the local currency of some of the places appointed for the discharge of the public engagements. These resources depend upon the Sinking Fund, connected with the faith of the United States, which is pledged to supply from the existing, or from other subjects of revenue, the deficiencies of that fund.

The Sinking Fund.

The public debt amounted, on the 1st of January, 1791, to the sum of \$75,463,476 52, and it consisted—

Of the foreign debt - - -	\$12,812,821 92
Of the domestic debt - - -	62,650,654 60
	<u>75,463,476 52</u>

The foreign debt experienced various changes in form and in amount. From 1792 to 1795 it

rose above the amount stated for 1791, but from that period it was gradually reduced; and on the 1st of January, 1801, it stood at the sum of \$10,419,000. From the year 1801, however, the annual reduction was more rapid; and in the year 1810 the foreign debt became extinct.

The domestic debt has also experienced various changes in form and amount. It was originally stipulated that it should be subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon one hundred dollars of the stock; and when the Sinking Fund was constituted and organized, provision was made for effecting the payments in that proportion, until the whole debt should be extinguished by dividends payable on the last days of March, June, and September, in each year, at the rate of one and a half per cent, and, on the last day of December, in each year, at the rate of three and a half per cent. upon the original capital. During the first period of about ten years, from 1791, until the 1st of January, 1801, the amount of the domestic debt never fell below the sum which has been stated; and in 1801 it stood at about the sum of \$72,619,050 80. The augmentation, created on account of the purchase of Louisiana, (amounting to \$15,000,000,) raised the capital of the domestic debt, in 1804, to the sum of \$80,691,120 88; but from that period there was a considerable annual diminution of the amount, until it was reduced on the 30th of September, 1815, to the already specified sum of \$39,135,484 96.

The Sinking Fund, by whose operations these beneficial effects have been produced, may be regarded as coeval with the organization of the present Government; but it has undergone many important modifications.

1. The early appropriations of the revenue were confined to the payment of the interest and instalments of the foreign debt, and to the payment of the interest of the domestic debt; but so early as the 4th of August, 1790, the proceeds of the sales of the public lands in the Western territory were permanently and exclusively appropriated and pledged towards sinking and discharging the debts for which the United States were then holden. The annexed table, D, will exhibit a statement of the quantity of the public lands which have been annually sold, and of the proceeds of the sales, as far as can be now ascertained.

2. In the year 1792, however, commissioners were designated and authorized to purchase the public debt at its market price, not exceeding the par value, and the interest of the debt purchased, together with the surplus of certain other appropriations, was assigned for that purpose. When the annual amount of the fund thus created should be equal to two per cent. on the six per cent. stock, it was directed to be first applied to the redemption of that stock, according to the right reserved, and then to the purchase, at its market price, of any other public stock.

3. In the year 1795 "the Sinking Fund" was

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established by name; its resources were vested in the same commissioners, and its operations were subjected to their direction and management. The duty of the commissioners, independent of temporary objects, consisted in applying the Sinking Fund, 1st, to the payment of the six per cent. stock, at the stipulated rate of eight per cent. per annum; 2d, to the payment of the deferred stock after the year 1801, according to the same stipulation; and, 3d, if any surplus remained, towards the further and final redemption of the public debt, of every denomination. For the accomplishment of these purposes there were permanently appropriated and pledged, in addition to the other moneys constituting the Sinking Fund, and the interest of the amount of the purchased or redeemed debt, 1st, a sufficient sum arising yearly, and every year, from the duties on imports and tonnage, and the duty on domestic distilled spirits and stills, as might be rightfully paid of the principal of the six per cent. stock, commencing on the 1st of January, 1802. 2d. The dividends on the public shares in the Bank of the United States; but the shares were sold in 1796 and 1802, under an authority given in 1795. 3d. The net proceeds of the sales of public lands in the Western territory. 4th. Moneys received into the Treasury on account of old debts. 5th. The surpluses of revenue beyond the amount of the appropriations.

4. Such was the outline of the Sinking Fund, when, on the 6th of April, 1802, the internal duties were repealed; and, on the 29th of April, 1802, a new and additional provision was made for the redemption of the public debt. Thus, an annual sum of \$7,300,000 was permanently appropriated and vested in the Commissioners of the Sinking Fund, to be produced, 1st, by the moneys (other than the surpluses of revenue) which then constituted the fund, or should arise to it by virtue of any previous provisions. 2d. By the sums annually required to discharge the interest and charges of the public debt; and, 3dly. By so much of the duties on merchandise and tonnage as would be necessary, together with the preceding resources, to complete the annual investment of \$7,300,000. The act not only placed the reimbursement of the principal, but also the payment on account of interest and charges of the public debt, under the superintendence of the commissioners; making it their duty to cause the fund to be applied in payment, 1st, of such sums as by virtue of any acts they had previously been directed to pay; 2d, of such sums as may be annually wanted to discharge the interest and charges accruing on any other part of the then debt of the United States; 3d, of such sums as may be annually required to discharge any instalment of the principal of the then debt; and 4th, as to any surplus, to apply it towards the further and final redemption, by payment or purchase of the then debt. The act of the 10th of November, 1803, having created six per cent. stock to the amount of \$11,250,000, in pursuance of the convention for the purchase of Louisiana, added an annual sum of \$700,000 to the Sinking

Fund, to be paid out of the duties on merchandise and tonnage, and to be applied by the commissioners to the payment of the public debt, including the Louisiana stock, in the manner above stated. It may be added, that the interest on the Louisiana stock is payable in Europe; but the principal is reimbursable at the Treasury of the United States, in four annual instalments, commencing in 1818.

It is obvious that a sinking fund of \$8,000,000 (independent of the general pledges in prior laws) was ample for the payment of the interest and the principal of the public debt, amounting only to the sum of \$96,000,000, extinguishing the six per cent. stock in 1818, the deferred stock in 1824, and the Louisiana stock in 1822, as fast as the terms of the contracts and the policy of Government would permit. The general operation of the fund, indeed, has been shown; but it is proper more particularly to add, that, on the 1st of January, 1815, there had been transferred to the credit of the commissioners, in the books of the Treasury, an amount of public debt equal to the sum of \$33,873,463 98, of the following denominations, to wit:

1.—Foreign Debt.

Three per cent. stock,	\$8,200,000 00	
Four and a half per cent. stock	-	820,000 00
Four per cent. stock	-	3,180,000 00
		<u>\$12,200,000 00</u>

2.—Domestic Debt.

Six per cent. stock	-	1,946,026 92
Three per cent. stock	-	698,555 41
Deferred six per cent. stock	-	1,005,179 83
Eight per cent. stock	-	6,482,500 00
Exchanged six per cent. stock	-	6,294,051 12
Commuted six per cent. stock	-	1,859,850 70
Four and a half per cent. stock	-	176,000 00
Five and a half per cent. stock	-	1,848,900 00
Navy six per cent. stock	-	711,700 00
Louisiana six per cent. stock	-	326,500 00
Six per cent. stock of 1812	-	324,200 00
		<u>21,673,463 98</u>
		<u>\$33,873,463 98</u>

But the charges upon the Sinking Fund have accumulated, in consequence of the late war, to an amount which it has not the capacity to defray; while its operations, in other respects, have been obstructed by the temporary failure of the revenue arising from duties on merchandise and tonnage, and the protracted embarrassments of the circulating medium: thus,

1. The annual appropriation for the Sinking Fund amounts to \$8,000,000, and consists at present—

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(1.) Of the interest on such parts of the public debt as have been reimbursed or paid off, (which, however, is itself derived from the customs,) estimated on the 30th of September, 1815, at the sum of - - -	\$1,968,577 64
(2.) Of the net proceeds of the sales of the public lands, exclusive of lands sold in the Mississippi Territory, (which as yet belong to the State of Georgia,) estimated annually at the sum of - - -	800,000 00
(3.) Of the proceeds of duties on imports and tonnage, to complete the annual investments, estimated at the sum of - - -	5,230,422 36
	<u>\$8,000,000 00</u>

2. The annual charge upon the Sinking Fund estimated for 1816, will amount probably to the sum of \$14,524,200.

On account of the interest and the instalments of the old debt, the sum of	\$3,460,000 00
On account of the interest of the new debt, computed on a capital of \$70,000,000, about the sum of - - -	4,200,000 00
On account of the principal and interest of the Treasury notes, issued under the act of the 30th of June, 1812, the 25th of February, 1813, and the 4th of March, 1814, (after allowing for the amount reimbursed, subscribed to the loan, and paid for duties,) about the sum of - - -	6,864,200 00
	<u>\$14,524,200 00</u>

Deficit in the amount of the Sinking Fund, compared with the charges upon it, estimated for 1816 - - -	<u>\$6,524,200 00</u>
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From this view of the financial operations of the Government the Secretary of the Treasury, with every sentiment of deference and respect, presents the following general conclusions for the consideration of Congress:

1. That the existing revenue of the United States arises, 1st, from duties on imported merchandise, and the tonnage of vessels; 2d, internal duties, including the direct tax upon lands, houses, and slaves; and, 3d, the proceeds of the sales of public lands; but some of these duties and taxes are permanently imposed, and some are limited in their duration.

2. That the following duties or taxes are either partially or wholly limited in their duration: 1. The duties on merchandise and tonnage will be reduced one-half on the 17th of February, 1816, except such as are imposed on goods of the like description with the articles of domestic manufacture, on which duties have been laid, and included in the general pledge. 2. The new duty on salt; the duty on sugar refined within the United States; and the stamp duty on bank notes, promissory notes discounted, and on bills of exchange, are not included in the general

pledge, and will wholly cease on the 17th of February, 1816.

3. That the following duties or taxes are not limited in their duration, and are included in the general pledge: 1. The direct tax upon lands, houses, and slaves. 2. The duties upon licenses to distillers of spirituous liquors and upon the liquors distilled. 3. The duty upon licenses to retailers of wines, spirituous liquors, and foreign merchandise. 4. The duty upon sales at auction. 5. The duty upon carriages and harness. 6. The duties upon household furniture and watches. 7. The duties on articles manufactured or made for sale within the United States. 8. The rate of postage.

4. That the faith of the United States, and the revenue arising from the duties and taxes, which are not limited in their duration, are pledged for the punctual payment of the public debt, principal and interest, according to the terms of the contracts respectively; and, for creating an adequate sinking fund, gradually to reduce, and eventually to extinguish the debt. But this pledge will be satisfied by the substitution of other adequate duties or taxes; and the increase in the proceeds of the duties on merchandise, subsequent to the pledge, affords an advantageous opportunity of making such substitution in respect to the more inconvenient and burdensome portion of the internal duties.

5. That the establishment of a revenue system, which shall not be exclusively dependent upon the supplies of foreign commerce, appears, at this juncture, to claim particular attention.

II.—A view of the finances for 1815, with estimates of the public revenue and expenses for 1816.

At the close of the last session of Congress the demands upon the Treasury were interesting in their nature, as well as great in their amount. Exclusively of the ordinary expenses of the Government, they consisted of demands for the payment of the army, preparatory to its reduction to the Peace Establishment, with other very heavy arrearages and disbursements in the War and Navy Departments; for the payment of the dividends on the funded debt, and of the arrearages, as well as the accruing claims on account of the Treasury note debt; and for the payment of the Louisiana dividends, with other considerable debts contracted in Europe in consequence of the late war.

The efficiency of the means which were possessed for the liquidation of these demands depended upon circumstances beyond the control of the Government. The balance of money in the Treasury consisted of bank credits, lying chiefly in the southern and western sections of the Union. The revenue proceeding from the provision made prior to the last session of Congress was, comparatively, of small amount. The revenue proceeding from the provision made during that session could not be available for a great portion of the present year; and, in both instances, the revenue was payable in Treasury notes, or it

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assumed the form of bank credits, at the respective places of collection. The only remaining resources for immediate use were an additional issue of Treasury notes, and a loan; but the successful employment of these resources was rendered for some time doubtful, by the peculiar situation of the credit and currency of the nation.

The suspension of specie payments throughout the greater portion of the United States, and the consequent cessation of the interchange of bank notes and bank credits, between the institutions of the different States, had deprived the Treasury of all the facilities of transferring its funds from place to place; and a proposition which was made, at an early period, to the principal banks of the commercial cities, on the line of the Atlantic, with a view, in some degree, to restore those facilities, could not be effected, for the want of a concurrence in the requisite number of banks. Hence it has happened (and the duration of the evil is without any positive limitation) that, however adequate the public revenue may be, in its general product, to discharge the public engagements, it becomes totally inadequate in the process of its application, since the possession of public funds in one part no longer affords the evidence of a fiscal capacity to discharge a public debt in any other part of the Union.

From the suspension of specie payments, and from various other causes, real or imaginary, differences in the rate of exchange arose between the several States, and even between the several districts in the same State; and the embarrassments of the Treasury were more and more increased, since Congress had not sanctioned any allowance on account of the rate of exchange; and the amount of the legislative appropriations was the same, wherever the legislative objects were to be effected. But the Treasury notes partook of the inequalities of the exchange in the transactions of individuals, although the Treasury could only issue them at their par value. The public stock, created in consideration of a loan, also partook of the inequalities of the exchange, although to the Government the value of the stock created, and the obligation of the debt to be discharged, were the same, wherever the subscription to the loan might be made.

Thus, notwithstanding the ample revenue provided and permanently pledged for the payment of the public creditor, and, notwithstanding the auspicious influence of peace upon the resources of the nation, the market price of the Treasury notes, and of the public stock, was everywhere far below its par or true value, for a considerable period after the adjournment of Congress; vibrating, however, with a change of place, from the rate of 75 to the rate of 90 per cent. Payments in bank paper were universally preferred, during that period, to payments in the paper of the Government; and it was a natural consequence that wherever the Treasury failed in procuring a local currency, it failed also in making a stipulated payment.

Under these extraordinary and perplexing cir-

cumstances, the great effort of the Treasury was, 1st. To provide promptly and effectually for all urgent demands, at the proper place of payment, and to the requisite amount of funds. 2d. To overcome the difficulties of the circulating medium, as far as it was practicable, so that no creditor should receive more, and no debtor pay less, in effective value, on the same account, than every other creditor, or every other debtor. And, 3d. To avoid any unreasonable sacrifice of the public property, particularly when it must also be attended with a sacrifice of the public credit. It was not expected that this effort would everywhere produce the same satisfaction, and the same results; but the belief is entertained that it has been successful in the attainment of its objects, to the extent of a just anticipation.

Of the uses of the Treasury Notes.

The Treasury notes, which were issued under acts passed prior to the 24th of February, 1815, were, for the most part a denomination too high to serve as a current medium of exchange, and it was soon ascertained that the small Treasury notes, fundable at an interest of 7 per cent., though of a convenient denomination for common use, would be converted into stock almost as soon as they were issued. With respect to the first description, therefore, the issue has not been restrained; but with respect to the second description, the issue has been generally limited to cases of peculiar urgency; such as the payment of the army, preparatory to its reduction; the payment of the dividends on the public debt where the local currency could not be obtained; and the payment of an inconsiderable amount of miscellaneous claims, apparently entitled to distinction.

The annexed table, marked E, contains a statement of the amount of the small Treasury notes which had been issued on the 30th of September, 1815, from which it appears,

1. That there had been issued, for the payment of the army, the sum of - - - - -	\$1,465,069
2. That there had been issued, for the payment of the dividends of the public debt, the sum of - - - - -	1,203,100
3. That there had been issued, for sundry miscellaneous claims, the sum of - - - - -	109,681
4. That there has been sold at an advance (producing \$32,107 64,) for the purpose of raising funds to meet the general engagements of the Treasury, a sum of - - - - -	1,365,000
	<u>\$4,142,850</u>

Of the Loan

The act of the 3d March, 1815, authorized a loan for a sum not exceeding \$18,452,800. It was made lawful to accept, in payment of subscriptions, such Treasury notes as had been charged on the Sinking Fund; and a commission, not exceeding one quarter of one per cent., was allowed for selling the certificates of stock, or procuring subscriptions to the loan. Under this authority the annexed notice, marked F., dated the 10th of March, 1815, was published, opening a loan for

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the sum of \$12,000,000, with a view, 1st, to absorb a portion of the Treasury note debt; 2d, to obtain funds for paying the unsubscribed arrearages of that debt; and, the 3d, to aid the Treasury with a supply of the local currencies of different places, in some proportion to the probable amount of the local demands.

The offers to subscribe to the loan prior to the 19th of April, 1815, placed (as it were proper to place) money and Treasury notes upon the same footing; but the offers varied essentially in the terms and conditions that were annexed to them; and, in point of fact, no direct offer was made to subscribe at a higher rate than 89 per cent., while some of the offers were made at a rate even lower than 75 per cent. Upon this experiment, therefore, it was seen at once that the new situation of the Treasury required a new course of proceeding, and that neither the justice due to the equal rights of the public creditor, nor a fair estimate of the value of the public property, nor an honorable regard for the public credit, would permit the loan to assume the shape and character of a scramble, subservient to the speculations, which create what is called a market price, and shifting in every town and village of every State, according to the arbitrary variations of what is called the difference of exchange.

In this view of the subject all the offers of subscriptions to the loan, made in the first instance, were declined; but it was declared, at the same time, that offers at the rate of 95 per cent. would be accepted. The rate thus proposed was adopted upon a consideration of the value of the stock, of the equitable as well as legal claim of the holders of Treasury notes, and of the real condition of the public credit. The object of the loan being (as already stated) to absorb a portion of the Treasury note debt, and to acquire a sufficiency of local currency for local purposes, the price of the stock at the Treasury was, of course, independent of the daily up and down prices of the various stock markets in the Union, and could only be effected by the progress towards the attainment of those objects. Thus, while the wants of the Treasury were sufficiently supplied, offers to subscribe were freely accepted, and the parties were sometimes authorized and invited to increase the amount of their offers; but, where local funds had so accumulated as to approach the probable amount of the local demands, the price of the stock was raised at the Treasury; and when the accumulation was deemed adequate to the whole amount of the local demands, the loan was closed.

The policy of the course pursued at the Treasury was soon demonstrated. Offers of subscription to the loan, at the rate of 95 per cent., payable in Treasury notes or in money, were presented to a large amount soon after the rule of the Treasury was declared; and the annexed table, marked G, will exhibit the progressive and actual state of all the subscriptions to the 30th of September last.

In the District of Columbia the money subscriptions (including the subscription of certain liquidated claims upon the Treasury) were, suc-

cessively, at 95, 96½, 97, and 98 per cent., and finally at par. In the city of Baltimore the money subscriptions have been at 95 and 96½ per cent. In the city of Philadelphia the money subscriptions have been entirely at 95 per cent. The price was raised at the Treasury from 95 to 98 per cent. on the 18th of June, (subject, of course, to all unexecuted subscriptions previously accepted or authorized,) and since that time considerable offers have been received at 95 and 96 per cent., but none have been received at the increased rate of 98 per cent. The subscriptions, payable in Treasury notes, have been made in all places at the same rate of 95 per cent. A general abstract of the state of the loan may, therefore, be reduced to the following form:

In the District of Columbia the subscriptions have amounted—

1. In money, to the sum of	\$2,282,037 38
2. In Treasury notes, to	257,276 65
	<hr/> 2,539,314 03

In Baltimore the subscriptions have amounted—

1. In money, to	\$1,994,818 50
2. In Treasury notes, to	608,661 90
	<hr/> 2,603,480 40

In Philadelphia the subscriptions amounted—

1. In money, to	\$1,845,000 00
2. In Treasury notes, to	1,260,568 69
	<hr/> 3,105,568 69

In New York the subscriptions have amounted—

1. In money, to	601 44
2. In Treasury notes, to	658,371 61
	<hr/> 658,973 05

In Rhode Island the subscriptions have amounted, in Treasury notes, to

132,020 69

In Massachusetts the subscriptions have amounted, in Treasury notes, to

97,301 32

In New Hampshire the subscriptions have amounted, in Treasury notes, to

52,386 20

In North Carolina the subscriptions have amounted, in Treasury notes, to

95,000 00

\$9,284,044 38

Having thus absorbed a portion of the Treasury note debt, and deeming the Treasury to be possessed of a sufficient supply of the local currency of the places at which the Treasury notes, unsubscribed and in arrears, were payable by law, except in the cities of New York and Boston, the Secretary of the Treasury proceeded to assign funds for the payment of the Treasury notes, and to give notice thereof in the form of the annexed copies, (marked, respectively, H and I,) in pursuance of the act of Congress, passed on the 3d of March, 1815. As a sufficient supply of the local currencies of Boston and New York had not been obtained, the overture was made in the same notice to discharge the Treasury notes payable in those cities, and in arrears, by accepting them in subscription to the loan, at the rate of 95 per cent., by exchanging them for other Treasury notes, in which the interest due should be inclu-

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ded as principal, or by giving drafts for the amount upon any of the banks in which the Government possessed funds. This overture is still open to the consideration and acceptance of the holders of the Treasury notes in question, and has been accepted, in the shape of subscriptions to the loan, to a considerable extent. Since the 30th of September these amount, including some subscriptions, the details of which have not yet been contemplated, to more than \$2,000,000.

Of the transfer of balances of appropriations and of revenue from 1814 to 1815.

In the administration of the finances it has been the practice to consider the demands and the supplies of each year as distinct subjects for legislative provision, independent of the balances of appropriations or of revenue existing at the close of the preceding years. The same course will now be pursued, but with a few explanatory remarks. The annual appropriations have never been entirely absorbed during the year for which they were made; and the credit given by law for payments in every branch of the revenue, necessarily introduces a discrimination between the amount of duties which accrues within the year, as a debt to the Government, and the amount which is paid within the year, as money into the Treasury. The annual appropriations, however, are not charged upon the revenue of the year specifically in which they are made; and, in point of fact, they are satisfied whenever demanded, out of any unappropriated money in the Treasury, without reference to the time when the revenue accrued, or when the money was actually received at the Treasury.

The inconvenience of continuing appropriations in force, which were liable to be drawn from the Treasury during any indefinite period, induced Congress to enact, in the year 1795, that any appropriations (except permanent appropriations for the interest of the funded debt, or appropriations for the payment of loans and the accruing interest, for the Sinking Fund, and for purposes which specially require, by law, a longer duration) remaining unexpended for more than two years after the expiration of the calendar year in which the act of appropriation was passed should cease and determine; and that the unexpended sum should be carried to an account on the books of the Treasury, to be denominated "the Surplus Fund." By the operation of this provision, no ordinary appropriation can now survive the specified period of two years; and, notwithstanding the formal designation of a particular account in which the entry shall be made, the sum disengaged by a determination of each appropriation, becomes again an undistinguishable part of the public treasure, which is subject to the future disposition of the Legislature.

With these remarks it will be useful, for the purpose of general information, to exhibit the gross amount of the balances of the appropriations for the year 1814, transferred to the year 1815, without entering into a comparative detail of the appropriations and of the revenues during the

particular year in which the appropriations were made by law. Thus

The gross amount of the appropriations for 1814, including the aggregate of the balances of the appropriations for the year 1813, amounted to the sum of - - - - \$55,978,464 20

Of this there was paid, on or before the 31st of December, 1814, the sum of - - - - \$38,028,230 32

And, on the 1st of Jan. 1815, there was carried to surplus fund the sum of - - - - 592,309 99

Leaving as a general balance of appropriations of 1814 -	38,620,540 31
	<u>\$17,357,923 89</u>

Of the demands on the Treasury, for 1815.

The demands authorized by acts of appropriation during the year 1815, (exclusively of certain indefinite appropriations, the amount of which is not yet ascertained,) were the following:

For civil, diplomatic, and miscellaneous expenses, besides the unascertained product of fines, penalties, and forfeitures, assigned to defray the charges of courts, the sum of - - - - \$3,080,656 22

For military expenses, including those of the Indian Department, and the permanent appropriation of \$200,000 for arming and equipping the militia, the sum of - - - - 5,618,790 41

For naval expenses, including the annual appropriation of \$200,000 for the purchase of timber - - - - 5,233,022 00

For the public debt, to wit:

The interest in the debt contracted before the war - - - - 1,900,000 00

The interest on the debt contracted since the war, (including the loan of 1815, and excluding the interest of Treasury notes) - - - - 3,560,000 00

The interest of 5 2-5 per cent. per ann., upon Treasury notes outstanding on the 1st of January, 1815, including notes due in 1814, and not paid, (the principal being then \$10,646,480,) the sum of - - - - 575,000 00

The annual reimbursement of the principal of the old six per cent. and deferred stocks, the sum of - - - - 1,590,000 00

The principal of Treasury notes payable in 1814, and the 1st of January, 1815, but not then paid, the sum of - - - - 2,799,200 00

The principal of Treasury notes payable in 1815, and the 1st of January, 1816, the sum of - - - - 7,847,280 00

The principal of temporary loans payable in 1814, but not then paid - - - - 500,000 00

The amount of the appropriations and of demands for the public debt for 1815, being the sum of - - -	<u>\$32,703,948 63</u>
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The total amount, therefore, demandable at the Treasury during the year 1815, was - - - - - \$50,061,871 95

Consisting of appropriations made prior to that year, and unsatisfied at its commencement, amounting to \$17,357,923 89

And of appropriations and demands on account of the public debt, made and arising during the year 1815, amounting to - - - - - 32,703,948 06

Making together - - - - - \$50,061,871 95

Of the Ways and Means of the Treasury for the year 1815.

These ways and means may be considered in a two-fold aspect: 1. As to the ways and means placed by the laws within the power of the Treasury; and, 2. The amount capable of being realized, or made actually available by the Treasury, during the year.

Under the first view the ways and means considered—

1. Of the cash in the Treasury at the commencement of the year, which amounted to - - - - - \$1,526,998 63

2. Of the outstanding revenue, which accrued prior to the year 1815, and remained unpaid at its commencement, estimated; exclusive of the sums due for public lands, at about - - 4,600,000 00

3. Of the revenue accruing in the year 1815, estimated at \$38,850,000, viz:

Customs - - - - - \$25,000,000

Direct tax, net product - 5,400,000

Internal duties, net product - - - - - 7,000,000

Public lands - - - - - 1,000,000

Postage and other incidental receipts - - - 450,000

38,850,000 00

4. Of the unexecuted authority to borrow money and issue Treasury notes, conferred by acts of Congress, passed prior to the year 1815, viz:

The loan act of March 14,

1812 - - - - - \$765,300

The loan act of March 24,

1814 - - - - - 8,562,119

The loan act of November 15, 1814 - - - 3,000,000

12,327,419 00

Treasury note act of Mar.

4, 1814 - - - - - \$2,772,720

Treasury note act of December 26, 1814 - - 8,600,000

11,372,720 00

5. Of the authority to borrow money and issue Treasury notes, conferred by acts of Congress, passed in the year 1815, viz:

The loan act of March 3,

1815 - - - - - \$18,452,800

The loan act of Feb'y 13,

1815, (for public buildings in Washington) - 500,000

Treasury note act of Feb.

24, 1815, (exclusive of

the re-issues authorized

by this act) - - - 25,000,000

43,952,800 00

Making together - - - \$112,629,937 63

This great apparent surplus of ways and means within the power of the Treasury arose, in part, from the great increase in the amount of the customs accruing in the year 1815, which, instead of \$4,000,000, the amount estimated prior to the peace, will probably in consequence of that event amount to the sum of \$25,000,000, as here stated. A great portion also of the sums authorized to be borrowed, or raised upon Treasury notes, it was evident could not be obtained or raised within the year; and the several successive acts by which the authority was given, although they were nominally accumulative, were actually the results of attempts to vary or modify this authority in such a way as to render it more easy or more effectual in its execution.

The second view of the ways and means for the year 1815 exhibits the amount actually realized and received into the Treasury during the year. As the year is not yet terminated, this can only be given by way of estimate. The result will probably not differ materially from the following:

1. Cash in the Treasury at the commencement of the year - - - \$1,526,998 63

2. Receipts from revenue, including that which was outstanding at the commencement of the year, viz:

Customs - - - - - \$8,000,000

Direct tax - - - - - 2,200,000

Internal duties - - - 4,700,000

Public lands - - - - - 1,000,000

Postage and other incidental receipts - - - 450,000

16,350,000 00

3. Receipts from loans and Treasury notes, viz: *Loans*—

Under the act of March

14, 1812 - - - - - \$50,000 00

Under the act of November

15, 1814 - - - - - 950,000 00

Under the act of March

3, 1815 - - - - - 9,284,044 38

Under the act of March

3, 1815, (temporary) 650,000 00

Under the act of Feb'y

13, 1815, (temporary) 100,000 00

Amount actually borrowed to the 30th September, 1815, per statements annexed, marked G and K \$11,034,044 38

Amount estimated to be borrowed from Oct'r 1 to December 31, 1815 3,000,000 00

14,034,044 38

Treasury Notes.—Amount issued prior to the 1st October, 1815.

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1. Treasury notes bearing interest :

Under the act of March 4, 1814 - - -	\$2,772,720
Under the act of Dec. 26, 1814 - - -	8,318,400
Under the act of February 24, 1815 - - -	694,600

Per statement annexed, marked L - - - \$11,785,720

2. Small Treasury notes not bearing interest, under act of February 24, 1815.— Amount issued and re-issued, per statement annexed, marked E - - - 4,152,850

\$15,938,570

Amt. estimated to be issued and re-issued, from Oct. 1 to December 31, 1815 - 1,000,000

16,938,570 00

Making the total amount estimated to be actually received into the Treasury during the year 1815 - \$48,849,613 01

The application of the moneys actually received into the Treasury, during the year 1815, will be as follows: To the 30th September the payments have amounted to the following sums nearly;— the accounts not being yet made up, the precise amount cannot be given.

For civil, diplomatic, and miscellaneous expenses - - -	\$2,537,000 00
For military service - - -	15,190,144 71
For naval service - - -	7,050,000 25
For public debt, (exclusive of the sum of \$300,000, repaid by the Commissioner of Loans for Georgia) - - -	8,909,178 22

\$33,686,323 18

During the fourth quarter of the year the payments are estimated to amount to the following sums, viz :

For civil, diplomatic, and miscellaneous expenses - - -	\$500,000
For naval service - - -	1,500,000
For public debt to the 1st of January, 1816, inclusive - - -	3,000,000

5,000,000 00

Making together - - - \$38,686,323 18

As the receipts into the Treasury during the year have been estimated at 48,849,613 01

The sum left in the Treasury at the end of the year will be - - - \$10,163,289 83

And will consist principally of Treasury notes, paid on account of the revenue and of loans.

Of the estimates of the Public Revenues and Expenditures for 1816.

In the consideration of this subject, it is proper to premise, that the revenue of 1816 must be charged with the payment of a considerable amount of the unliquidated debts incurred during the war; and, consequently, that the proportions

of revenue and expenditure for that year cannot be reduced by the scale of a Peace Establishment. The arrearages in the War and Navy Departments are, generally, the outstanding balance of the floating public debt, including Treasury notes and temporary loans, and must be satisfied before a permanent and uniform arrangement of the finances can be effected; but it is believed that the period of a single year will be sufficient for that purpose.

It is also proper to premise, that, although the estimates of the demands on the Treasury for 1816 may be satisfactorily made, there is no settled ground upon which estimates of the ways and means can be confidently formed. The entire system of external and internal taxation must necessarily be revised during the present session of Congress, and the sources as well as the product of the public revenue can only be ascertained from the result of the legislative deliberations. In order however to obviate this difficulty, as far as it is practicable, distinct statements will be presented for 1816—1. Of the probable demands of the Treasury; 2. Of the revenue, estimated according to the laws now in force; and, 3. Of the revenue, estimated according to the modifications, which will be respectfully submitted.

1. *Of the probable demands on the Treasury.*

The amount of civil, diplomatic, and miscellaneous expenses, is estimated at the sum of - - -	\$1,800,000
The amount of military expenses is estimated at the sum of - - -	14,549,246
For the Military Establishment of 1816 - - -	\$5,112,159
For the arrearages of 1815, beyond the amount of the appropriations - - -	9,437,087

Making together - \$14,549,246

The amount of the naval expenses (supposing them to be reduced, on the Peace Establishment, to one-half the amount appropriated for 1815, and adding the annual appropriation of \$200,000 for the purchase of timber) is estimated at the sum of - - - 2,716,510

The amount of the payments required on account of the public debt is estimated at the sum of - - - 23,818,513

\$42,884,269

For the interest and annual reimbursement of the principal of the funded debt prior to the war - - - 3,460,000

For the interest on the funded debt created since the war, estimated on a capital of \$70,000,000 - - - 4,200,000

For the balance of principal and interest on Treasury notes of every denomination now due or payable in 1815 and 1816, or estimated to be paid in those years, by being received for duties

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and taxes, as set forth in the annexed table, marked L - 15,458,513
 For the amount of temporary loans due to the State Bank of Boston, (\$500,000,) and the Mechanics' Bank of New York, (\$200,000) - 700,000

Making together - \$23,818,513

From this aggregate of the demands for 1816, the charges of a temporary nature being deducted, to wit: deduct the amount of the arrearages for the military services of 1815 - \$9,437,087

And the amount of the floating debt to be liquidated in 1816 - 16,158,513

25,595,600

There will remain as the probable annual expenditure of the Peace Establishment, independent of any addition to the Sinking Fund, the sum of - \$17,288,669

2. *Of the revenue for 1816, estimated according to the laws now in force.*

By the laws now in force the revenue arising from customs, during the year 1816, will be affected in the following manner: The present rates of duties continue until the 18th of February, 1816, when the duty on salt imported will cease, and the rates of duties on merchandise of every description, imported in American vessels, will fall to one-half of the existing amount, with the exception of certain manufactured articles, being of the same kinds as the manufactured articles on which internal duties have been imposed; the duties on the imported articles continuing at the existing rates, so long as the existing internal duties shall be continued upon the corresponding articles of domestic manufacture. On the 18th of February the extra duties on merchandise imported in foreign vessels, which is now 15½ per cent. on the amount of the duty in American vessels, will fall to 10 per cent. on that amount, and the tonnage duty on foreign vessels, which is now \$2 per ton, will fall to fifty cents per ton. The extra duty is, also, liable to be affected by the operation of the act for abolishing all discriminating duties upon a basis of natural reciprocity.

By the laws now in force the revenue arising from internal duties will be affected in the following manner: The duties on bank notes, on notes discounted by banks, and bills of exchange, (commonly called the stamp duties,) and the duty on refined sugar, will cease on the 18th of February, 1816. All the other internal duties, together with the direct tax, and the increased rates of postage, will continue.

Under these circumstances the revenue which will accrue to the United States, during the year 1816, is estimated as follows:

From customs - - - - -	\$13,000,000
internal duties - - - - -	7,000,000
direct tax, (net produce to the Treasury) - - - - -	5,600,000
sales of public lands - - - - -	1,000,000
postage and incidental receipts - - - - -	400,000
	<u>\$27,000,000</u>

The sums actually receivable into the Treasury, during the year, are estimated as follows:

From customs - - - - -	\$20,000,000
internal duties - - - - -	6,500,000
direct tax, including arrears of 1815 - - - - -	8,500,000
the sales of public lands - - - - -	1,000,000
postage and incidental receipts - - - - -	400,000
	<u>\$36,400,000</u>

If to this be added the probable amount of money in the Treasury, at the commencement of the year 1816, which may be estimated, exclusive of Treasury notes paid in, previously to that time, on account of revenue and of loans, at the sum of - - - - - 3,000,000

The effective ways and means of 1816 will produce, in the whole, the sum of	39,400,000
But as the demands upon the Treasury, for the same year, will amount, as above stated, to - - - - -	42,884,269

There will be left a deficit, to be supplied by means other than the revenue, of the sum of - - - - - \$3,484,269

3. *Of the revenue for 1816, estimated according to the modifications which will be respectfully submitted.*

From the review of the financial measures of the Government, in reference to the recent state of war, which constitutes the first part of the present report, it appears that the almost entire failure of the customs, or duties on importations, and the increasing necessities of the Treasury, rendered it necessary to seek for pecuniary supplies in a system of internal duties; but both in respect to the subjects of taxation, and to the amount of the several taxes, the return of peace has always been contemplated as a period for revision and relief. In the fulfilment of that policy, a reduction of the direct tax; a discontinuance of taxes which, upon trial, have proved unproductive as well as inconvenient; and, above all, the exoneration of domestic manufactures from every charge that can obstruct or retard their progress, seem to be the objects that particularly invite the legislative attention. There will still remain, however, a sufficient scope for the operation of a permanent system of internal duties upon those principles of national policy which have already been respectfully suggested.

As an equivalent for the diminution of the revenue, by the contemplated abolition or reduction of some of the duties and taxes, and in observance of the public faith which is pledged, in the case of such abolition or reduction, to provide and substitute other duties and taxes equally pro-

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ductive, it is intended respectfully to recommend a continuance of the duty on imported salt, and a competent addition to the permanent rates of the duties on merchandise imported. In the general tariff which has been directed by a resolution of the House of Representatives to be prepared, and which will be submitted to Congress as soon as the materials for forming it can be digested and arranged, the subject will be more distinctly, as well as more satisfactorily, presented; but, as it is not probable that this measure can be so matured as to go into operation on the 18th of February next, it becomes necessary to suggest the expediency of continuing the present rates of duties until the 30th of June, when the new rates, with all the necessary details to give effect to the system, may be introduced, and sufficient notice be given to the merchants, to regulate their commercial operations accordingly.

In relation, then, to the internal duties, it is intended respectfully to recommend that the duties imposed at the last session of Congress, on various articles manufactured within the United States, shall be abolished on the 18th day of April next, which will complete the year, commencing from the time the duties went into operation; that the duty imposed during the last session of Congress, on spirits distilled within the United States, shall be abolished on the 30th day of June next, but that, at the same time, there be added 100 per cent. on the rate of the duty which had been charged on licenses to distillers of spirituous liquors in the year 1813; that the duty on household furniture, and on gold and silver watches, be abolished on the 31st day of March next; that the additional duty imposed during the last session of Congress, on licenses to retail wines, spirituous liquors, and foreign merchandise, be abolished on the 31st day of December, 1816; and that the duties on refined sugar, and the stamp duties, be continued; and, finally, in relation to the direct tax, it is intended respectfully to recommend that, on the 31st day of March next, it be reduced to one-half of its present amount; that is, to the annual amount of \$3,000,000.

The subtraction from the revenue by these changes and reductions in the direct tax, and the internal duties, is estimated at the annual sum of \$7,000,000. But the substitutes for supplying the equivalent amount are estimated to produce, 1st, from the increase of the duty on licenses to distillers, and the continuance of the stamp duties, and duties on refined sugar, the annual sum of \$1,500,000; 2d, from the continuance of the duty on imported salt, the annual sum of \$500,000; and, 3d, from an increase upon the permanent rates of duties on the importation of foreign merchandise, the annual sum of \$5,000,000.

The full effect of the alterations which have been stated will not be developed until some time after the year 1816; but if they be adopted, the state of the revenue for that year, in the two views of which it is susceptible—1st, of revenue accruing during the year, and, 2ndly, of money receivable into the Treasury during the year, may be estimated as follows:

1. The revenue which will accrue in 1816 may be estimated—

From customs	- - - -	\$17,000,000
From internal duties	- - - -	4,500,000
From direct tax, (net product to the Treasury)	- - - -	2,700,000
From sales of public lands	- - - -	1,000,000
From postage and incidental receipts	- - - -	400,000
		<u>\$25,600,000</u>

2. The moneys which will be actually receivable into the Treasury, from revenue, in 1816, may be estimated—

From the customs	- - - -	\$21,000,000
From internal duties	- - - -	5,000,000
From direct tax, including arrears of 1815	- - - -	6,000,000
From sales of public lands	- - - -	1,000,000
From postage and incidental receipts	- - - -	400,000
		<u>\$33,400,000</u>

If to the sum thus estimated to be receivable into the Treasury, from the revenue, during the year 1816 - - - - \$33,400,000

There be added the money which will probably be in the Treasury at the beginning of the year - - - - 3,000,000

The aggregate will be the sum of - - - 36,400,000

And the demands being estimated, as above, at - - - - 42,884,269

There will be left a deficit of - - - 6,484,269

It is here, however, to be recollected, that the estimate of the demands on the Treasury comprehends the gross amount of the arrearages of the War Department, and a provision for the whole of the floating public debt; and although, for the purposes of a legislative appropriation, the aggregate of the expenditures to be authorized for the year 1816 is necessarily made the basis of the official estimates, yet the uniform experience of the Treasury evinces that the demands for a considerable portion of the annual appropriation will not be made during the year.

It may also be observed, that to raise a revenue by the imposition, or even by the continuance, of taxes, adequate to the immediate discharge of every unliquidated demand upon the Treasury, at the close of an expensive war, seems hardly to be necessary under the present circumstances of the country. The product of the revenue arranged in the manner which has been stated, may be estimated, after the year 1816, at an annual amount, nearly four millions greater than the sum required for the interest on the public debt, and for the probable expenses of the Peace Establishment. If the public debt, therefore, were increased in the year 1816, by a sum equal to the whole amount of the deficit as above stated, an equivalent reduction would be effected in less than two years. The unexecuted authority to borrow money, and to issue Treasury notes, already provided by the acts of Congress, is sufficient to enable the Treasury to meet the deficit in either of

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these modes, and consequently no further legislative aid (except, perhaps, in the modification of the issues of Treasury notes) appears at this time to be required.

III.—*Propositions for the improvement and management of the revenue, and for the support of public credit.*

The propositions which are now to be respectfully submitted, relate: 1. To the revenue. 2. To the Sinking Fund. 3. To the national circulating medium.

1. *Propositions relating to the revenue.*

The changes contemplated in the revenue, on the estimates of a Peace Establishment, having been already stated, as the intended objects of recommendation, it is only now necessary to submit to the consideration of Congress the measures requiring their sanction for carrying the plan into effect.

First. It is respectfully proposed that the act of the 1st of July, 1812, imposing an additional duty of 100 per cent. upon the permanent duties on goods, wares, and merchandise imported into the United States from any foreign port or place, and the act of the 29th of July, 1813, imposing a duty upon imported salt, be continued in force until the 30th day of June, 1816.

Second. It is respectfully proposed that the act of the 24th of July, 1813, imposing a duty on sugar refined within the United States, and the act of the 2d of August, 1813, imposing a duty on bank notes, notes discounted, and bills of exchange, be continued by law, in force, without limitation, but with proper amendments to render the collection of the duties more equal and more certain; and that the act of the 15th of December, 1814, imposing duties on carriages and the harness therefor; and that so much of the act of the 23d of December, 1814, as relates to the duties on sales at auction, and to the increasing of the rates of postage, be allowed to remain in force.

Third. It is respectfully proposed that there be a reduction or modification in the following taxes and duties:

1. That the direct tax be reduced from six millions to three millions of dollars, for the year 1816, and for each succeeding year.

2. That the duties on distilled spirits be discontinued after the 30th day of June, 1816; and that the duty on licenses to distillers be raised on that day to double the amount fixed by the act of the 24th of July, 1813.

3. That the duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, be reduced to the rates of the year 1813, with proper regard to the periods when licenses commence and expire.

Fourth. It is respectfully proposed that the act of the 18th of January, 1815, and the act of the 27th of February, 1815, imposing duties on various articles manufactured, or made for sale within the United States, and the act of the 18th of January, 1815, imposing duties on household furniture and watches, be absolutely and entirely repealed.

Fifth. It is respectfully proposed that the act of the 3d of March, 1815, further to provide for the collection of the duties on imports and tonnage, and the act of the 3d of March, 1815, to fix the compensations, and increase the responsibility of the collectors of the direct tax and internal duties, and for other purposes connected with the collection thereof, so far as it relates to the compensation of the collectors of the direct tax and internal duties, be continued in force without limitation.

2. *Proposition relating to the Sinking Fund.*

The Sinking Fund, as it is at present constituted, amounts to the annual sum of - - \$3,000,000

It is charged, in the first instance with the payment of the interest, and the annual reimbursement of the principal of the old funded debt, which will require for 1816, and each of the two ensuing years, the sum of - - - \$3,460,000

And it is charged with the payment of the interest, and the eventual reimbursement of the principal of the new funded debt; the interest, computed on a capital of \$70,000,000, will require for the year 1816, and each subsequent year, the sum of - - - 4,200,000

The total present charge on the Sinking Fund, on account of the funded debt, being the annual sum of - - - \$7,660,000

In 1818 the fund will be released from the annual charge of \$1,380,000, accruing upon the old six per cent. stock, as the stock will then be paid and extinguished; but in the same year it will be subjected to a charge of \$3,000,000, for the first instalment of the principal of the Louisiana stock, which will then become payable. In each of the two succeeding years a similar sum will be payable; and, in the year 1821, such sum will be payable as may be necessary to complete the reimbursement of that stock, and which is estimated at \$1,923,500.

The Sinking Fund is also, at present, charged with the payment of the principal and interest of the Treasury notes issued under the act of the 4th of March, 1814, and of prior acts, and of certain temporary loans obtained under the loan acts of 1812, and of subsequent years. The several acts charging these payments on the Sinking Fund have directed that such sums, in addition to the annual appropriation of \$3,000,000, should be taken from any moneys in the Treasury not otherwise appropriated, as should be necessary to meet and satisfy the demand. The temporary loans and Treasury notes will, therefore, be probably paid or absorbed in 1817; and it is deemed unnecessary, for the present purpose, to include them in the consideration of the form and extent which it is proposed to give to the Sinking Fund in that year.

In 1803, when the Sinking Fund was established on its present footing, the principal of the public debt was about \$86,000,000. and the inter

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est annually payable upon it about \$4,500,000. At that time there was assigned to the Sinking Fund, out of the public revenue, \$8,000,000, of which about \$3,500,000 were annually applicable to the reduction of the principal of \$86,000,000.

At the commencement of the year 1817 it is estimated that the principal of the funded debt will amount to \$110,000,000, requiring the sum of \$6,150,000 for the payment of its annual interest. If a sum applicable to the reduction of the principal of the debt were now to be assigned, bearing the same proportion to that principal which the sum assigned in 1804 then bore to the principal, it would amount to about \$4,350,000. When it is added, therefore, to the sum of \$6,150,000, which is necessary for the payment of the interest, there would be required for the amount now to be set apart, to constitute the Sinking Fund, the sum of \$10,500,000 per annum. It is proposed, however, to carry the amount only to the sum of \$10,000,000, which will allow about \$3,850,000 as applicable to the reduction of the principal of the debt; a sum sufficient, if strictly and regularly applied without interruption, upon a compound principle, to pay off the whole of the funded debt in a period less than eighteen years.

Upon these grounds, then, the Secretary of the Treasury respectfully submits the following proposition:

That, in the year 1817, and annually in every subsequent year, there be appropriated the sum of \$2,000,000, in addition to the sum of \$8,000,000 now annually appropriated for the payment of the interest and principal of the public debt; that the payment of this additional sum be made out of the proceeds of the revenue derived from the customs, the sales of the public lands, and the internal duties, or from either of them, available after the payment of the sums for which they are now respectively pledged or appropriated; and that the said additional sum of \$2,000,000 annually be payable to the Commissioners of the Sinking Fund, to be applied by them in the same manner as the moneys which they are now entitled by law to receive; that is to say, 1st, to the payment of the interest on the public funded debt; 2ndly, to the reimbursement of the principal, from time to time, as the same, or any portion of it, shall become reimbursable, according to the terms of the contracts by which it has been created; and, 3dly, after having answered these purposes, if there shall remain a surplus at their disposal, to the purchase of such parts of the public funded debt as shall appear to them to be most for the advantage of the United States, in the manner prescribed by law, and at a rate not exceeding the par value.

3. *Proposition relating to the National circulating medium.*

The delicacy of this subject is only equalled by its importance. In presenting it, therefore, to the consideration of Congress, there is occasion for an implicit reliance upon the legislative indulgence.

By the Constitution of the United States, Con-

gress is expressly vested with the power to coin money, to regulate the value of the domestic and foreign coins in circulation, and, as a necessary implication from positive provisions, to emit bills of credit; while it is declared by the same instrument, that "no State shall coin money, or emit bills of credit." Under this Constitutional authority the money of the United States has been established, by law, consisting of coins made with gold, silver, or copper. All foreign gold and silver coins, at specified rates, were placed, in the first instance, upon the same footing with the coins of the United States, but they ceased (with the exception of Spanish milled dollars, and parts of such dollars) to be a legal tender for the payment of debts and demands in the year 1809.

The Constitutional authority to emit bills of credit has also been exercised in a qualified and limited manner. During the existence of the Bank of the United States the bills or notes of the corporation were declared, by law, to be receivable in all payments to the United States; and the Treasury notes, which have been since issued for the services of the late war, have been endowed with the same quality. But Congress has never recognised, by law, the notes of any other corporation; nor has it ever authorized an issue of bills of credit to serve as a legal currency. The acceptance of the notes of banks, which are not established by the Federal authority, in payments to the United States, has been properly left to the vigilance and discretion of the Executive Department; while the circulation of the Treasury notes, employed either to borrow money, or to discharge debts, depends entirely (as it ought to depend) upon the option of the lenders and creditors to receive them.

The Constitutional and legal foundation of the monetary system of the United States is thus distinctly seen, and the power of the Federal Government to institute and regulate it, whether the circulating medium consist of coin or of bills of credit, must, in its general policy, as well as in the terms of its investment, be deemed an exclusive power. It is true, that a system depending upon the agency of the precious metals will be affected by the various circumstances which diminish their quantity, or deteriorate their quality. The coin of a State sometimes vanishes under the influence of political alarms; sometimes in consequence of the explosion of mercantile speculations, and sometimes by the drain of an unfavorable course of trade. But whenever the emergency occurs that demands a change of system, it seems necessarily to follow that the authority, which was alone competent to establish the national coin, is alone competent to create a national substitute. It has happened, however, that the coin of the United States has ceased to be the circulating medium of exchange, and that no substitute has hitherto been provided by the national authority. During the last year the principal banks, established south and west of New England, resolved that they would no longer issue coin in payment of their notes, or of the drafts of their customers, for money received upon deposit. In

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this act the Government of the United States had no participation, and yet the immediate effect of the act was to supersede the only legal currency of the nation. By this act, although no State can constitutionally emit bills of credit, corporations, erected by the several States, have been enabled to circulate a paper medium, subject to many of the practical inconveniences of the prohibited bills of credit.

It is not intended, upon this occasion, to condemn, generally, the suspension of specie payments; for appearances indicated an approaching crisis, which would, probably, have imposed it as a measure of necessity, if it had not been adopted as a measure of precaution. But the danger which originally induced, and perhaps justified, the conduct of the banks, has passed away, and the continuance of the suspension of specie payments must be ascribed to a new series of causes. The public credit and resources are no longer impaired by the doubts and agitations excited during the war by the practices of an enemy, or by the inroads of an illicit commerce; yet the resumption of specie payments is still prevented, either by the reduced state of the national stock of the precious metals, or by the apprehension of a further reduction to meet the balances of foreign trade, or by the redundant issues of bank paper. The probable direction and duration of these latter causes constitute, therefore, the existing subject for consideration. While they continue to operate, singly or combined, the authority of the States individually, or the agency of the State institutions, cannot afford a remedy commensurate with the evil; and a recurrence to the national authority is indispensable for the restoration of a national currency.

In the selection of the means for the accomplishment of this important object, it may be asked, 1st. Whether it be practicable to renew the circulation of the gold and silver coins? 2d. Whether the State banks can be successfully employed to furnish a uniform currency? 3dly. Whether a National Bank can be employed more advantageously than the State banks for the same purpose? And, 4thly. Whether the Government can itself supply and maintain a paper medium of exchange, of permanent and uniform value throughout the United States?

1. As the United States do not possess mines of gold or silver, the supply of those metals must, in a time of scarcity, be derived from foreign commerce. If the balance of foreign commerce be unfavorable, the supply will not be obtained incidentally, as in the case of the returns for a surplus of American exports, but must be the subject of a direct purchase. The purchase of bullion is, however, a common operation of commerce, and depends, like other operations, upon the inducements to import the article.

The inducements to import bullion arise, as in other cases, from its being cheap abroad, or from its being dear at home. Notwithstanding the commotions in South America, as well as in Europe, there is no reason to believe that the quantity of the precious metals is now (more than at

any former period) insufficient for the demand throughout the commercial and civilized world. The price may be higher in some countries than in others; and it may be different in the same country, at different times; but, generally, the European stock of gold and silver has been abundant, even during the protracted war which has afflicted the nations of Europe.

The purchase of bullion in foreign markets upon reasonable terms is then deemed practicable, nor can its importation into the United States fail eventually to be profitable. The actual price of gold and silver in the American market would in itself afford for some time an ample premium, although the fall in the price must of course be proportionate to the increase of the quantity. But it is within the scope of a wise policy to create additional demands for coin, and in that way to multiply the inducements to import and retain the metals of which it is composed. For instance, the excessive issue of bank paper has usurped the place of the national money, and under such circumstances gold and silver will always continue to be treated as an article of merchandise; but it is hoped that the issue of bank paper will be soon reduced to its just share in the circulating medium of the country, and consequently that the coin of the United States will resume its legitimate capacity and character. Again, the Treasury, yielding from necessity to the general impulse, has hitherto consented to receive bank paper in the payment of duties and taxes; but the period approaches when it will probably become a duty to exact the payment either in Treasury notes, or in gold and silver coin—the lawful money of the United States. Again, the institutions which shall be deemed proper, in order to remove existing inconveniences, and to restore the national currency, may be so organized as to engage the interest and enterprise of individuals in providing the means to establish them. And, finally, such regulations may be imposed upon the exportation of gold and silver as will serve in future to fix and retain the quantity required for domestic uses.

But it is further believed that the national stock of the precious metals is not so reduced as to render the operation of reinstating their agency in the national currency either difficult or protracted. The quantity actually possessed by the country is considerable; and the resuscitation of the public confidence in bank paper, or in other substitutes for coin, seems alone to be wanting to render it equal to the accustomed contribution for a circulating medium. In other countries, as well as in the United States, the effect of an excessive issue of paper money, to banish the precious metals, has been seen; and, under circumstances much more disadvantageous than the present, the effect of public confidence in national institutions, to call the precious metals to their uses in exchange, has also been experienced.

Even, however, if it were practicable, it has sometimes been questioned whether it would be politic again to employ gold and silver for the purposes of a national currency. It was long and

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universally supposed that, to maintain a paper medium without depreciation, the certainty of being able to convert it into coin was indispensable; nor can the experiment which has given rise to a contrary doctrine be deemed complete or conclusive. But, whatever may be the issue of that experiment elsewhere, a difference in the structure of the Government, in the physical as well as the political situation of the country, and in the various departments of industry, seem to deprive it of any important influence, as a precedent for the imitation of the United States.

In offering these general remarks to the consideration of Congress it is not intended to convey an opinion that the circulation of the gold and silver coins can at once be renewed. Upon motives of public convenience the gradual attainment of that object is alone contemplated; but a strong, though respectful, solicitude is felt that the measures adopted by the Legislature should invariably tend to its attainment.

2d. Of the services rendered to the Government by some of the State banks during the late war, and of the liberality by which some of them are actuated in their intercourse with the Treasury, justice requires an explicit acknowledgment. It is a fact, however, incontestably proved, that those institutions cannot, at this time, be successfully employed to furnish a uniform national currency. The failure of one attempt to associate them with that view has already been stated. Another attempt, by their agency in circulating Treasury notes, to overcome the inequalities of the exchange, has only been partially successful. And a plan recently proposed, with the design to curtail the issues of bank notes, to fix the public confidence in the administration of the affairs of the banks, and to give to each bank a legitimate share in the circulation, is not likely to receive the general sanction of the banks. The truth is, that the charter restrictions of some of the banks, the mutual relation and dependence of the banks of the same State, and even of the banks of different States, and the duty which the directors of each bank conceive they owe to their immediate constituents, upon points of security or emolument, interpose an insuperable obstacle to any voluntary arrangement, upon national considerations alone, for the establishment of a national medium through the agency of the State banks. It is, nevertheless, with the State banks that the measures for restoring the national currency of gold and silver must originate; for, until their issues of paper be reduced, their specie capitals be reinstated, and their specie operations be commenced, there will be neither room, nor employment, nor safety, for the introduction of the precious metals. The policy and the interest of the State banks must, therefore, be engaged in the great fiscal work, by all the means which the Treasury can employ, or the legislative wisdom shall provide.

3d. The establishment of a National Bank is regarded as the best, and, perhaps, the only adequate resource to relieve the country and the

Government from the present embarrassments. Authorized to issue notes, which will be received in all payments to the United States, the circulation of its issues will be co-extensive with the Union, and there will exist a constant demand, bearing a just proportion to the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A National Bank will, therefore, possess the means and the opportunity of supplying a circulating medium of equal use and value in every State, and in every district of every State. Established by the authority of the Government of the United States, accredited by the Government to the whole amount of its notes in circulation, and intrusted as the depository of the Government with all the accumulations of the public treasure, the National Bank, independent of its immediate capital, will enjoy every recommendation which can merit and secure the confidence of the public. Organized upon principles of responsibility, but of independence, the National Bank will be retained within its legitimate sphere of action, without just apprehension from the misconduct of its directors, or from the encroachments of the Government. Eminent in its resources, and in its example, the National Bank will conciliate, aid, and lead, the State banks in all that is necessary for the restoration of credit, public and private. And acting upon a compound capital, partly of stock, and partly of gold and silver, the National Bank will be the ready instrument to enhance the value of the public securities, and to restore the currency of the national coin.

4th. The power of the Government to supply and maintain a paper medium of exchange will not be questioned; but, for the introduction of that medium, there must be an adequate motive. The sole motive for issuing Treasury notes has, hitherto, been to raise money in anticipation of the revenue. The revenue, however, will probably become, in the course of the year 1816, and continue afterwards, sufficient to discharge all the debts, and to defray all the expenses of the Government; and, consequently, there will exist no motive to issue the paper of the Government as an instrument of credit.

It will not be deemed an adequate object for an issue of the paper of the Government, merely that it may be exchanged for the paper of the banks, since the Treasury will be abundantly supplied with bank paper by the collection of the revenue; and the Government cannot be expected to render itself a general debtor, in order to become the special creditor of the State banks.

The co-operation of the Government with the National Bank, in the introduction of a national currency, may, however, be advantageously employed by issues of Treasury notes, so long as they shall be required for the public service.

Upon the whole, the state of the national currency, and other important considerations connected with the operations of the Treasury, render it a duty respectfully to propose—

That a National Bank be established at the

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city of Philadelphia, having power to erect branches elsewhere, and that the capital of the bank (being of a competent amount) consist of three-fourths of the public stock, and one-fourth of gold and silver.

All which is respectfully submitted.

A. J. DALLAS,
Secretary of the Treasury.

[The tabular statements accompanying the report being voluminous, are necessarily omitted.]

PROHIBITION OF THE IMPORTATION OF COARSE COTTON FABRICS.

[Communicated to the Senate, December 13, 1815.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The petition of the undersigned citizens of the United States, concerned in the manufacturing of cotton fabrics, in behalf of themselves and others interested in similar establishments, respectfully sheweth: That, during the late season of domestic pressure, arising in a measure from the interruption of the foreign commerce of the country, your petitioners, together with numerous others, citizens of the United States, undertook, and after a considerable expenditure of money and of labor, have at length partially succeeded in the erecting and putting into operation extensive works employed in the manufacturing of cotton goods. That large sums of money have been expended by your petitioners and others upon these objects. That, by means of these exertions, and of the commodities furnished from these sources, the pressure of the late war upon the great body of the community was considerably alleviated. That, from the difficulties inseparable from the establishment of new branches of manufacture; the scarcity of persons properly qualified to superintend their operation; the enormous compensation demanded by those whose skill and experience were requisite, and the high price of labor throughout the country, your petitioners have not as yet been remunerated for the heavy expenses which they have incurred, while the prospect which is just opening of a free and unrestricted importation of the same articles of foreign manufacture, threaten to deprive them of every expectation of a reasonable profit, and, at one blow, to crush the establishments themselves, and to sink the capital which has been invested in them.

Your petitioners, under these circumstances of impending ruin, respectfully entreat the interposition of your honorable bodies, to preserve them and the country from these disastrous and fatal results; and more particularly is it the wish of your petitioners to suggest the propriety and expediency of effecting this desirable object by imposing an absolute or virtual prohibition upon the importation of foreign cotton fabrics of a coarse texture.

Your petitioners will not at this moment venture to encroach upon the time of your honorable bodies by entering into a minute and elaborate argument to substantiate their claims to the attention of Government, or to prove the proposed measure reconcilable with the permanent and solid interests of the community at large; but they beg leave, respectfully, to submit a few prominent facts and leading arguments bearing upon the question:

The establishments for the manufacturing of various articles of cotton, which have already been erected in the United States, are at this moment extensive, and capable of affording a supply nearly or quite commensurate with the demand for domestic consumption.

They have afforded the means of employment to thousands of poor women and children, for whom the ordinary business of agriculture supplies no opportunities for earning a livelihood, educating them in habits of honest industry, and giving additional encouragement to labor and to population.

They have also supplied at moderate prices the necessary demands of the country and the Government, during the recent interruption of our foreign trade.

They have assisted the Southern agriculturist by the consumption of some portion of that superfluous produce which was deprived of its ordinary vent in the demands of foreign nations.

The articles which your petitioners humbly suggest may be subjected to large additional duties, or an absolute prohibition, are chiefly the production of countries lying beyond the Cape of Good Hope.

They are manufactured in a large proportion of cotton of foreign growth, and thus interfere with and discourage a primary object of our own agriculture.

They are not paid for with articles of domestic production, but occasion a continual and wasteful drain of specie of the country.

They are made of a very inferior material, and are manufactured in a manner which make them a mere deception on the consumer. Nearly all Europe have legislated against them; several of which nations have not a single spindle in their dominions, but on the grounds of their little real usefulness, and as sapping the industry of the country; and by thus prohibiting or restricting their introduction, urge the people to seek a better substitute.

They pay an *ad valorem* duty, and add but a small amount to the resources of the Treasury.

They afford employment to but a few tons of our shipping, and will, in all probability, be hereafter introduced in the ships, or through the medium of a rival nation.*

* June 24, 1815, arrived at New York the English ship *Princess Charlotte*, Turnbull, from Calcutta, Madras, the Cape of Good Hope, and fifty-five days from St. Helena, with nine hundred bags of sugar, indigo, spices, saltpetre, pepper, and nearly six hundred tons of piece goods, (selected for this market.)

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It is by admitting those goods that England will not herself admit for home consumption, that we encourage her to make conquests in India, by thus making them valuable to her.

Their free introduction will prove the necessary ruin of our own establishments, and the total loss of the immense capital now invested in them.

Your petitioners are aware that the measures which they have respectfully suggested may seem to militate against one of the fundamental principles of political economy, as laid down by the ablest writers on the subject, viz: that trade should, as far as is practicable, be left free and unrestrained; and that heavy imposts or prohibitions upon foreign commodities, with a view of encouraging their domestic production, are usually inimical to the general interests of the community, and productive of injurious results. Your petitioners, without impugning the soundness of this doctrine in theory, would respectfully suggest that it is an abstract speculation, requiring, when reduced to practice, numerous and important exceptions from its literal import, and always dependent upon two bases essential to its accuracy, and which, from the operation of human passions, can rarely be calculated upon. First, that the rule is universally adopted and acted upon as a principle of policy, regulating the practice of all those foreign nations with whom we have commercial dealings. Secondly, that the freedom of commerce shall never be interrupted by a recurrence to hostilities, or embarrassed by the watchful jealousy of foreign rivals. Unless these circumstances fortunately concur, it will not unfrequently happen that the strict adherence to the letter of the rule will operate as a manifest violation of the principle upon which it is founded, and which it is designed to express.

When the jealousy, the policy, or the ignorance, of other nations have occasioned the adoption of special exceptions among themselves, the equal regard to every branch of industry which it was the intention of the doctrine to preserve unimpaired, as well as a wise regard to our own interests, will frequently require that these partial and injurious aberrations should be met and counteracted by corresponding deviations on our part from its original strictness. If, in order to obtain or preserve a permanent monopoly of certain branches of trade, one nation vexes and harasses every rival that can interfere with this favorite object of policy, the ordinary dictates of prudence

Six hundred tons, at the large allowance of four ounces to the yard, will make about five million of yards; at an average sale of twenty-five cents per yard, is \$1,200,000; thus one single ship, and she a foreign ship, draws from the stock of industry of the United States \$1,200,000 that might have remained with the common stock of industry of the country, and literally put out at compound interest for the benefit of the country generally: whereas it will now be drawn from us never again to appear, and our own poor women and children, not capable otherwise of earning their living, thrown back upon the community for support.

would require that these attempts should be resisted, and their injurious consequences to ourselves be averted. It is an undisputed fact, that every nation with whom the United States have or can expect to have commercial intercourse have studiously sought by artificial means to secure some peculiar advantage, or to guard against some apprehended evil, by occasionally favoring certain branches of commerce and certain articles of manufacture. Recently there has appeared no disposition among them to adopt more liberal principles of policy. The Prince of Orange, the intimate ally of England, without a spindle in his dominions, has, since the peace in Europe, prohibited the importation of cotton twist and the coarser cotton goods; all cotton goods that shall not have cost thirty cents per square yard, and all cotton colored goods that shall not have cost thirty-six cents per square yard. France has, more than six years since, prohibited all cotton yarn and all cotton goods from beyond the Cape of Good Hope. England does not admit an article for home use that has the appearance of being manufactured, but gives a bounty to the exporter of her own manufactured cottons. Whether their example may be adduced as a proof that the results of experience sometimes militate against the deductions of speculative theory, or whether the United States are not required, by a wise attention to their own interests, to provide against the inconveniences to which they have thus been subjected by the policy of other nations, your petitioners would humbly submit to the consideration of your honorable bodies.

The frequent interruptions to which even the freest commerce is exposed opens a still more fruitful source of argument in favor of your petitioners. While nations are subjected to have their foreign trade embarrassed or impeded in its operations by the hostile aggressions of those over whose measures they have no control, it would deserve another name than philosophical wisdom to permit an adherence to a technical rule of theoretical politics to interfere with, or prevent a watchful attention to their own vital interests. The evident tendency of an unrestrained trade is to create a mutual and equal dependency among nations, and to preserve among them the relations of peace by withdrawing from all every inducement to war. So far as one country receives the superfluous productions which minister to its artificial wants or luxurious habits from another, this effect will be produced, and the dependence that is created must be reciprocal. But when we rely upon a foreign market for commodities of universal and necessary consumption, we receive only the superfluous productions which they can spare, and subject ourselves to an absolute dependence upon their caprices or passions, in which we may be compelled to submit to indignity and oppression, or to draw upon ourselves the most grievous sufferings, and, perhaps, utter ruin, by resisting their ungenerous and galling outrages. Every nation, therefore, whose government has been administered with sagacity and wisdom, and whose natural resources did not interpose insur-

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mountable barriers to the attempt, has labored, unremittingly, to place those objects upon which they depended for subsistence or defence beyond the reach of accident or war, by encouraging their domestic production at every expense, and at every sacrifice.

Your petitioners would respectfully submit that the domestic manufacture of cotton goods comes within this last mentioned exception in two ways. The cultivation of this article, as a product of agriculture, is an object of primary importance to a large and wealthy section of the country; and the consumption of the coarser cotton fabrics extends so equally and universally, as to include every family within the territories of the United States. Unless the domestic manufacturing establishments can afford a partial vent for the productions of the Southern agriculturist, and afford an adequate supply for the extensive demands of a population of eight millions of people, any sudden interruption of our foreign commerce must be productive of the most disastrous consequences to all the growers and all the consumers of the article in question; and should this interruption prove permanent, or even be protracted to a period not exceeding the ordinary continuance of modern wars, may eventuate in the utter ruin of many, and the extreme distress of all. The growers of cotton must lose, or change their crops; the consumers must pay enormous prices for articles of daily and universal use, or have recourse to those wretched expedients, the use of which is ever generated by necessity.

Nor will these evils be prevented, or even in any considerable degree alleviated, by domestic establishments in a season of calamity, created for the emergency, and perishing with the circumstances, which gave them birth. Manufactories are erected at an enormous expense of capital; and time, industry, and experience are required for their effectual operation. The ephemeral attempts to which a severe pressure would give rise must be of uncertain duration; and monstrous as well as immediate profits will be wrung from the distress of others, to afford some remuneration for the risk that has been incurred. Articles of necessary consumption will be subjected to the most enormous variations in their price, and extravagant and casual profits will take the place of the moderate and reasonable returns of a safe and certain trade.

Your petitioners would respectfully submit that the injurious consequences which they have thus briefly sketched, can be effectually provided against, only by a liberal encouragement of the domestic manufactures, by an absolute or virtual prohibition, during a period of peace, of foreign commodities of the same description; and they would beg leave further to suggest that the present season affords a happy opportunity for the interposition of Congress to prevent these evils, and to protect those whose individual and unassisted exertions have hitherto tended to avert or alleviate them.

It cannot have escaped the attention of your

honorable bodies that it would be the obvious interest of the European nations, and consistent with those maxims of policy by which their measures have ever been guided, and to which they are at this moment giving additional efficacy, to crush the infant, and as yet immature, establishments in this country, which threaten at no distant period of time to interfere with their own profits, and to place us above a dependence which it has ever been their anxious wish to extend and strengthen. By pouring in upon us, during the present year, a flood of goods, at reduced prices, this result would in all probability, be accomplished, and there is too much reason to apprehend that their respective Governments would shrink from no pecuniary assistance to further the mercenary views of individual cupidity. If these rivals be once crushed to the earth, even by a large temporary sacrifice, it will be in their power effectually to prevent their second growth, and thus to hold a complete control over our consumers and our planters, by regulating, according to their own discretion, the price of the raw production and the manufactured commodity in our markets, and thus to perpetuate a dependence which their monopolizing predilections are but too prone to abuse to our detriment.

Your petitioners would further respectfully submit to the consideration of your honorable bodies, that, at this period of general pacification throughout Europe, every nation will become the carrier of its own articles of production and consumption; that a large portion of our accustomed commerce must necessarily perish, and the means of discharging the enormous balance in favor of England will soon be exhausted by a total drain of our specie from the country, already at a premium of fifteen per cent. Under these circumstances the encouragement of the domestic manufactures of the coarser goods would tend much to prevent the embarrassments likely to ensue from this aspect of affairs, and to relieve the country from these threatening evils.

The manufacturing establishments in this country have now attained a degree of importance, and embrace so great a variety of interests, as to entitle them to some portion of the liberal patronage of Government. Commerce, agriculture, and manufactures, have become intimately connected, and, if duly and proportionably encouraged, will mutually assist and support each other. The natural advantages of the country have opened to its citizens a broad and even road to prosperity and greatness. To harmonize the various interests of the whole, and to complete the great circle of national grandeur, manufactories are essentially necessary. The advantageous sites for the erection of suitable works which every district supplies, render it emphatically an object of national importance; by the purity of manners, and the intelligence which eminently characterize our citizens; the wholesome jealousy with which all monopolizing institutions are regarded, and the salutary superintendence of a vigilant and impartial administration of the laws, promise to secure us for ages against those evils of which politicians

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and moralists have considered them to be productive.

Your petitioners would beg leave to call the attention of your honorable bodies to some of those interests which would be protected by the measure proposed, and to some of the consequences of which it would be productive.

The growers of cotton would be presented with a convenient market for a large portion of their produce, not subject to the fluctuations of political events, nor controlled by the cupidity of foreign traders, certain in its demand, and enlarging with the increasing consumption and abilities of the country.

The consumers would be assured of a never-failing supply of well-wrought fabrics, daily improving in quality and diminishing in price, and unaffected by the interference, the jealousy, or the hostility of foreign nations.

The country would preserve the whole amount of capital already invested in these establishments, be no longer subjected to the uncertainties of foreign trade for an important article of necessary consumption, enlarge and increase the objects of industry, affording new encouragements to her population and emigration to our country of foreign artists, and relieve herself from the pressure of a serious balance against her in her foreign trade.

To the Government would be secured the means of clothing its troops under every emergency, and a new, certain, productive, and increasing source of revenue during a season of war.

The internal and coasting trade, and the communication between the different and remote sections of the country would be substituted for an inconsiderable and injurious branch of foreign commerce, harmonizing their conflicting and jarring interests, and strengthening the bonds of mutual dependence.

These considerations your petitioners would beg leave to press upon the serious attention of your honorable bodies in support of the measure they have proposed, relying implicitly upon the patriotism and wisdom of Congress for the adoption of some means of relief and encouragement.

And your petitioners, as in duty bound, will ever pray, &c.

JOHN R. WATROUS, *and others.*

PROTECTION TO MANUFACTURERS.

[Communicated to the Senate, December 22, 1815.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of the undersigned citizens of the United States, being a committee appointed by, and acting for and in behalf of the cotton manufacturers residing in Providence and its vicinity, respectfully sheweth: That, in consequence of the interruption of commerce, and relying on the favorable disposition uniformly manifested by

the Government of the United States towards domestic manufactures, your petitioners have, at a great expense of money and labor, erected and put into operation extensive works for manufacturing cotton goods. Most of the establishments for this object have been completed within a few years, and, owing to the numerous and unavoidable difficulties always attendant on the introduction of new branches of business, and the embarrassments arising from the situation of the foreign relations of the country, the proprietors have, hitherto, been prevented from reaping the reasonable profits which they calculated to obtain. During the continuance of the late war, in addition to the ordinary expenses and difficulties of prosecuting the business, they had also to struggle against the enormous advances in the price of almost every article they used, together with the trouble, cost, and delay, which accrued from the necessity of transporting by land the raw material, and every other commodity required for the supply of the manufactories, and for the support and maintenance of the people employed therein. The same burdensome expense and disadvantage were also experienced in conveying the goods, when finished, to distant markets for sale. But while your petitioners have had to lament that the circumstances of the times did not permit them to realize the profits which they had a right to expect, they had the satisfaction to perceive that the nation was deriving great and important benefits from their labors, receiving, from the skill and industry of our own citizens, vast supplies of useful and necessary commodities, at moderate prices, calculated for universal consumption, and at a period when they could not be obtained from abroad; and that employment and the means of earning a comfortable livelihood were at the same time extended to thousands of poor people, dependent on their labor alone for support, and who must otherwise have been reduced to a state of misery and want.

The event has also fully proved, in the opinion of your petitioners, that, by due encouragement on the part of Government to domestic manufactures, there may be insured to the country, from this source alone, an abundant and regular supply of the most essential and important kinds of cotton goods, at fair prices, and independent of foreign nations.

Your petitioners would now respectfully represent that, in addition to the accumulated embarrassments and losses under which they have labored, the pressure of which has been so great, during the last year, as to induce many of the manufacturers to contract their business, and some to suspend it entirely, the free and unrestricted admission at present allowed into the United States, of cotton fabrics of foreign production, not only extinguishes the hope of a reasonable profit in future from the manufacture of similar goods at home, but threatens the speedy destruction of the establishments already erected for that purpose, and the loss of the immense capital invested in them. They, therefore, earnestly entreat the interposition of your honorable

Protection to Manufacturers.

body, to preserve them from impending ruin. They are the more encouraged in this application, as they conceive the time propitious for Government to extend its fostering care to the manufactures of the country, and are convinced that the request accords with the general feelings and wishes of the people, and with the best interests of the nation.

As an eligible mode of effecting the object in view, your petitioners would respectfully submit to the consideration of Congress the expediency of prohibiting, by law, the importation of all cotton goods, (nankeens excepted,) the production of countries beyond the Cape of Good Hope, and of augmenting the duty on those of a coarse texture imported from other parts of the world.

It is well known that the cotton fabrics of India are made from very inferior stock, and that they are so badly manufactured as to be of little intrinsic value, compared with the substantial and durable manufactures of our own country; and it is believed that almost every nation of Europe has found it expedient to discourage their use, by subjecting them to very heavy duties, or have prohibited their importation entirely; and it is deserving of particular observation that their consumption is interdicted in England, although they are the production of her own colonies. It is also a weighty consideration that, being made wholly of a material of foreign growth, so far as their introduction is permitted, they operate to deprive our own citizens, engaged in the cultivation of cotton, of their best and surest market, and thus injuriously affect one of our most important branches of agriculture.

In order to show the extent and importance of the cotton manufacture in the United States, your petitioners beg leave respectfully to state that it has been satisfactorily ascertained that in the small district alone comprised within a circle of thirty miles from Providence, there are not less than one hundred and forty manufactories, containing, in actual operation, more than 130,000 spindles, and capable of holding a much larger number, few of them having yet received their full complement of machinery. The quantity of cotton which, in their present state, they spin in a year, may be computed at 29,000 bales, which, when manufactured into cloth of the descriptions commonly made, will produce 27,840,000 yards, the weaving of which, at the average price of eight cents, amounts to \$2,227,200, and the total value of the cloth will exceed \$6,000,000. To complete the manufacture from the raw material, until the goods are fit for market, it is estimated would afford steady and constant employment to 26,000 persons. But the benefits resulting from this vast amount of labor are much more extensively diffused than if the whole were done by people constantly engaged in the business, a considerable portion of it being performed by those who are partially occupied in other pursuits, particularly the weaving, which is almost wholly executed at the farm-houses throughout the country, few of which are to be found not supplied with looms.

In this estimate are not intended to be included the numerous classes of persons engaged in occupations indirectly connected with and dependent upon the manufacture, such as those employed in furnishing the various kinds of machinery used in the works, in supplying the people with provisions and other necessities and conveniences, in transporting goods to and from the manufactories, together with those engaged in the coasting trade, in bringing the raw material and other commodities required for the use of the establishments, and in conveying the manufactures to market.

From this cursory view of the subject a faint representation is exhibited how intimately the cotton manufacture, although but in its infancy, is united and blended with almost every other occupation; thus creating an interest, in a greater or less degree, in all classes for its maintenance and success, and involving in its destruction very disastrous consequences to the whole body of the community.

Your petitioners know of no description of persons who are not, either directly or indirectly, benefited by this branch of manufacture, except a few capitalists engaged in the trade to India, a commerce affording employment for comparatively but few of our ships and mariners, far less, it is humbly conceived, than would be necessary to carry on the coasting trade arising from the manufacture at home of the same quantity of goods imported from thence. Nor does it afford a market for a single article of our own production, but operates as a continual and destructive drain of the specie of the country, the scarcity of which is at this moment most severely felt. It may be also worthy of remark that the augmentation of the revenue arising from the increased consumption of indigo and other articles used in dyeing, and the various commodities and materials required in the erection of the works, and in the different processes of the manufacture, many of which are subjected to heavy duties, would, it is humbly believed, nearly, if not entirely, remunerate the Treasury for the loss occasioned by the interdiction proposed.

Your petitioners are aware that it has been a favorite maxim with some, that commerce should be left free and unrestrained; and, while they are far from being disposed to controvert its correctness as a general rule, subject, like all others, according to circumstances, to particular exceptions and modifications, they beg leave respectfully to suggest that they believe it far safer, and more agreeable to the dictates of political wisdom, to follow in the beaten tract of successful experience, rather than to pursue a course of policy not sanctioned by the practice of any other commercial or manufacturing people, and resting solely on opinion and theory for its support. All those nations which have carried commerce and manufactures to the greatest extent, have judged it expedient to protect their citizens against foreign competition. No Government has been more vigilant and rigid in this particular than that of England—a policy which it has steadily pursued

Protection to the Sugar Planters of Louisiana.

for ages, and which has been crowned with unexampled success. While the same principles continue to be persevered in by other nations, a contrary practice on the part of the United States would subject us to a species of colonial dependence, rendering us at once the victim of our own liberality and a prey to foreign cupidity and caprice.

Your petitioners would endeavor to avoid encroaching upon the time of your honorable body, by the repetition of arguments of a general nature, which have been often urged, and which must readily occur to every reflecting mind; but deeming the subject of primary importance in a national point of view, and deeply affecting their individual interests, they persuade themselves it will not be considered obtrusive, succinctly to enumerate some of the particular and immediate advantages, which they conceive the country would derive from the extension of the patronage of Government to the manufacture in question.

It would insure a constant and competent supply, at reasonable prices, of articles wanted for general and daily consumption, not liable to be interrupted by the hostility or injustice of foreign nations.

The internal and coasting trade, which has always been considered as the most advantageous to a nation, and worthy of a high degree of public encouragement, would be thereby promoted and extended; and, by the mutual interchange of commodities between the remote sections of our extensive country, would have a salutary and powerful tendency to bind and link together the various parts in the bonds of reciprocal dependence and friendship.

By a portion of our population being engaged in manufactures a market would be created at home for the productions of agriculture, not subject to be destroyed or materially injured by the enmity or jealousies of foreign Governments. This consideration is of the more importance in the present state of the world, when a general pacification has taken place between the nations of Europe, which promises to be of long duration, and forbids the expectation that the productions of the United States will continue to command such high prices abroad as during the last twenty years, while those nations were engaged in the most destructive and sanguinary wars.

A sure and regular demand would be produced for a considerable portion of the cotton raised in the United States, continually augmenting with the means of manufacturing it, and the increasing consumption of the goods.

It would enlarge the field of useful industry and enterprise, and, by multiplying the sources of wealth and the means of subsistence, would encourage population and the emigration to our country of foreign artists and others, bringing with them the latest improvements in manufactures and the mechanic arts. The vast capital already invested in these establishments would be preserved, and, by its active and successful employment, would continue to contribute largely to the riches and prosperity of the nation.

Your petitioners would further respectfully suggest that the cotton fabrics of India usually imported into the United States, being of a coarse texture and cheaply made, their prime cost is very inconsiderable, and paying only an *ad valorem* duty, they afford but a small income to the Treasury; and the loss incurred by their exclusion might, it is humbly conceived, in a great degree, if not wholly, be restored, by increasing the duty on the coarser kinds of cotton goods imported from other parts of the world.

They, therefore, pray your honorable body to take their case into your serious consideration, and that a law may be passed prohibiting the importation of all cotton goods, (nankeens excepted,) the production of places beyond the Cape of Good Hope, and laying such duty on those of a coarse texture, imported from other countries, as shall give to your petitioners the necessary protection and relief, and as Congress in their wisdom may deem expedient.

And, as in duty bound, will ever pray,

James Burrill, jr.	Philip Allen,
Daniel Lyman,	Abr'm Wilkinson,
Thomas Burgess,	Amasa Mason,
Timothy Greene,	Samuel Amcs,
Seth Wheaton,	John S. Dexter,
George Jackson,	Samuel W. Greene,
James Rhodes,	Jos. T. Franklin,

Committee.

PROTECTION TO THE SUGAR PLANTERS OF LOUISIANA.

[Communicated to the House, January 5, 1815.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the sugar planters, citizens of the State of Louisiana, respectfully represents:— That there is, perhaps, no culture more important and advantageous to the United States than that of the sugar cane, the produce of which, though at first ranked among the luxuries of life, has, from its universal use, become an article of the first necessity. Before the acquisition of Louisiana, vast sums of money were lost to the United States in the purchase of sugar, rum, and molasses, made in the East and West Indies, from whence alone those commodities were obtained. In time of war supplies from thence are precarious, and the consumer would be either entirely deprived of those necessary articles, or could obtain them only at extravagant rates. It is, then, obviously the interest of the United States to encourage the cultivation of the cane, and to secure to themselves the advantages which Louisiana offers in this particular. Whilst its citizens rejoice in the means which nature has placed within their reach, of supplying the wants of the other States of the Union, they have at the same time to lament that their ability to effect it will depend on the fostering aid of the General Government.

Beyond all others, the culture of the cane is

Military and Naval Expenditures.

attended with difficulties. It requires enormous capitals. The lands that produce it are dear, large gangs of slaves, and laboring animals are required, immense edifices are to be erected, mills, and expensive utensils are to be obtained; add to those the costly and unceasing labor that is required in forming, and keeping up the works that are necessary to prevent the overflowing of the mighty stream that borders those lands, the numerous canals for draining them, and without which they would not be susceptible of cultivation; so that after a fortune has been consumed, and often distressing debts incurred, years on years elapse before the most fortunate and successful reap the reward of their expenditures and toils. It is true, in a propitious season this culture affords greater profit than any other, but numerous and dreadful are the accidents that often blast the hopes of the planter. The climate is subject to hurricanes, the ravages of which not only destroys the crop in the ground, and often the expectation of the one ensuing it, but levels to the ground the buildings which had been erected at such an immense cost. Those are evils which sugar planters every where experience; but there are others, which are the peculiar scourge of those of Louisiana—an early frost prevents the maturity of the cane, and greatly injures its yield; a warm day, in the season of making sugar, occasioning it to ferment, sours the juice, and destroys the labor of the year; the coldness of the climate, and destructive attacks of worms, to which the cane is subject, requires it to be frequently replanted, and is a serious drawback on the planter, as the growth of one acre is only sufficient to plant four; the same cause also often destroys the cane intended for plants, and blasts his hopes of the ensuing crop. At times high winds, or the negligence of an individual, causing a break in the dike that retains the river, the water rushing down, sweeps buildings, crop, and animals before it, and spreading on all sides carries irresistible ruin with it. Such inundations, by covering the fields with a poor, sandy sediment, often renders them for many years useless, and they are not unfrequent. With such serious evils to contend with, it cannot be expected that the planter of Louisiana can, without some encouragement from the Government, stand in competition with those who rear the plant in its congenial climate; yet it is impossible for him successfully to attend to any other branch of agriculture. Indigo, cotton, tobacco, and sugar, are the only kinds of produce which have as yet been considered as suitable to the country. About thirty years ago the raising of indigo absolutely ceasing to afford the means of subsistence to the cultivator, tobacco, and afterwards, cotton were resorted to; but experience has shown the impossibility of standing in competition with the States of Virginia, Maryland, and Kentucky, with regard to tobacco, from whence our supplies for consumption are at present received, and those of Georgia, the Carolinas, Tennessee, and the Mississippi Territory, in that of cotton. The planters of Louisiana, therefore, hope that the liberal views of Congress will in-

duce that honorable body to come to their aid. As part of the American family they believe it suffices for them to make known their wants to the common parent, to have every proper relief extended to them. But they address it with more confidence, from the conviction that the interests of the Union loudly demand that this distant State should be assisted in securing to herself, and, consequently, to the nation, the vast advantages which its climate and situation promise. With the encouragement of Congress she would in a few years be able to supply her sister States with sugar, rum, and molasses, and will in return consume a considerable portion of their produce and manufactures. Political considerations require also that this distant and frontier State should be strengthened, and its population augmented; let, then, the only kind of agriculture for which nature intended her, which she alone of all the States is capable of producing, and which is at the same time so essentially necessary to all, be fostered and encouraged.

We, therefore, humbly entreat your honorable body that the same sound policy which has hitherto invariably excited the General Government to protect the growing manufactures of our country, and, consequently, made us in many branches completely independent of foreign nations, may be extended to the cultivators of the cane, and that the duties laid during the war on foreign sugar, rum, and molasses, be made permanent by law.

BERNARD MARIGNY,
and others.

NEW ORLEANS, LOUISIANA, 1815.

MILITARY AND NAVAL EXPENDITURES.

[Communicated to the House, February 5, 1816.]

TREASURY DEPARTMENT, Feb. 5, 1816.

SIR: In obedience to a resolution of the House of Representatives, passed yesterday, I have the honor to transmit a letter from the Register of the Treasury, and the statements which accompany it, viz:

(A.) A comparative statement between the annual amount of the expenditure for the Military Establishment of the United States, as rendered by the Treasury Department, under a resolution of the House of Representatives of the United States, of the 20th of January, 1816, and the statement thereof furnished under the resolution of the House, of the 31st of March, 1810.

(B.) A comparative statement between the annual amount of the expenditure for the Navy of the United States, as rendered by the Treasury Department, under a resolution of the House of Representatives of the United States, of the 20th of January, 1816, and the statement thereof furnished under the resolution of the House, of the 31st of March, 1810.

I have the honor to be, &c.

A. J. DALLAS.

HON. HENRY CLAY, Speaker, &c.

*Military and Naval Expenditures.*TREASURY DEPARTMENT, REGISTER'S OFFICE, *February 5, 1816.*

SIR: I have the honor to transmit papers A and B, being comparative statements between the annual amount of the expenditures of the Military and Naval Establishments as rendered by the Treasury Department, under a resolution of the House of Representatives of the United States of the 20th of January, 1816, and the statement thereof furnished under the resolution of the House, of the 31st March, 1810. I have the honor to be, &c.

JOSEPH NOURSE.

HON. ALEXANDER J. DALLAS, *Secretary of the Treasury.*

(A.)

A comparative statement between the annual amount of the expenditures for the Military Establishment of the United States, as rendered by the Treasury Department, under a resolution of the House of Representatives of the United States, of the 20th of January, 1816, and the statement thereof furnished under the resolution of the House, of the 31st of March, 1810.

Years.	Amount as exhibited under resolution of Mar. 30, 1810.	Expenditures out of appropriations for War Department, in relation to Indian Department, other than treaties and trading-houses.	Amount as exhibited under resolution of Jan. 20, 1816.	A repayment.	Indian expenditure.
1791	\$632,804 03	—	\$632,804 03		
1792	1,103,038 47	—	1,100,702 09	\$2,336 38	
1793	1,132,443 91	—	1,130,249 08		\$2,194 83
1794	2,589,097 59	\$50,000 00	2,609,097 59		
1795	2,422,385 81	58,524 32	2,480,910 13		
1796	1,246,327 82	13,936 02	1,260,263 84		
1797	1,002,299 04	37,103 62	1,039,402 66		
1798	1,939,692 39	69,829 91	2,009,522 30		
1799	2,405,669 17	61,277 81	2,466,946 98		
1800	2,517,409 99	43,468 78	2,560,878 77		
1801	1,600,944 08	72,000 00	1,672,944 08		
1802	1,179,148 25	42,000 00	1,221,148 25		
1803	822,055 85	60,000 00	882,055 85		
1804	875,923 93	63,000 00	938,923 93		
1805	712,781 28	55,500 00	768,281 28		
1806	1,224,355 38	159,200 00	1,383,555 38		
1807	1,288,685 91	100,600 00	1,389,285 91		
1808	2,900,834 40	140,600 00	3,041,434 40		
1809	3,345,772 17	125,000 00	3,470,772 17		
	30,941,669 47	\$1,152,040 46 (a)	32,089,178 72	\$2,336 38	\$2,194 83

Amount of expenditures as exhibited under the resolution of 31st March, 1810 - - - \$30,941,669 47
 Deduct the repayment of \$2,336 38 as above, and the sum of \$2,194 83 as Indian expenditure - - - - - 4,531 21

30,937,138 26

To which expenditures out of the appropriations for the War Department, in relation to Indian Department, other than the expenditures exhibited for treaties with the Indians, and trading-houses - - - - - 1,152,040 46

As above - - - - - \$32,089,178 72

(a) This amount, with the annual subdivisions, was formed by the Register, by estimate, for the purpose of excluding the payments which had been made by the purveyors of public supplies, contractors, and other persons who had expended public moneys in the purchase of Indian goods, rations, or supplies, which might apply to the Indian Department, and which had been made from moneys charged and exhibited in the annual printed public accounts as advanced for the Military Establishment.

These annual amounts, ascertained from the best materials to which access could be had, were deducted from the total amount of the annual actual expenditures, with a view to conform, as nearly as possible, with the resolution of the House, of the 31st March, 1810, by excluding the expenditures on account of the Indian Department.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *February 6, 1816.*JOSEPH NOURSE, *Register.*

State of the Sinking Fund.

(B.)

A comparative statement between the annual amount of the expenditure for the Navy of the United States, as rendered by the Treasury Department, under a resolution of the House of Representatives of the United States, of the 20th January, 1816, and the statement thereof, furnished under the resolution of the House, of the 31st of March, 1810.

Years.	Amount as exhibited under the resolution of 20th January, 1816, excluding expenditure for marine hospital.	Marine hospital expenditure.	Revenue cutter excluded in statement of the 31st March, 1810.	Total amount exhibited under resolution of March 31, 1810, in which the marine hospital was included.
1791	\$570 00	-	\$570 00	
1792	53 02	-	53 02	
1793		-		
1794	61,408 97	-	-	\$61,408 97
1795	410,562 03	-	-	410,562 03
1796	274,784 04	-	-	274,784 04
1797	382,631 89	-	-	382,631 89
1798	1,381,347 76	-	-	1,381,347 76
1799	2,858,081 84	-	-	2,858,081 84
1800	3,448,716 03	-	-	3,448,716 03
1801	2,111,424 00	-	-	2,111,424 00
1802	915,561 87	\$250 00	-	915,511 87
1803	1,215,230 53	31,087 36	-	1,246,317 89
1804	1,189,832 75	84,027 50	-	1,273,860 25
1805	1,597,500 00	-	-	1,597,500 00
1806	1,649,641 44	-	-	1,649,641 44
1807	1,722,064 47	-	-	1,722,064 47
1808	1,884,067 80	-	-	1,884,067 80
1809	2,427,758 80	-	-	2,427,758 80
	\$23,531,237 24	\$115,364 86	\$623 02	\$23,645,979 08

Amount of expenditures as exhibited under the resolution of 20th January 1816 - - - \$23,531,237 24
 And the marine hospital expenditure - - - - - 115,364 86

From which deduct expenditure for revenue cutter - - - - - 23,646,602 10
 623 02

As above - - - - - 23,645,979 08

TREASURY DEPARTMENT, REGISTER'S OFFICE, February 5, 1816.

JOSEPH NOURSE, Register.

SINKING FUND.

[Communicated to the Senate, February 7, 1816.]

WASHINGTON, February 7, 1816.

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the board, subsequent to their last report of the 6th of February, 1815, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this board, dated the 6th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

J. GAILLARD, *Pres't Senate pro. tem.*

J. MARSHALL, *Chief Justice U. S.*

J. MONROE, *Sec'y of State.*

A. J. DALLAS, *Sec'y of Treasury.*

TREASURY DEPARTMENT, Feb. 6, 1816.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance of moneys advanced on account of the public debt, remaining unexpended at the end of the year 1813, and applicable to payments falling due after that year, which balance amounted to \$761,205 75

Together with the sums disbursed from the Treasury during the year 1814, on account of the principal and interest of the public debt, which sums amounted to - - - - - 8,386,880 59

Together with a further sum arising from profit in exchange on remittances from America to Europe during the year 1814, amounting to - - - 19,827 61

And amounting together to - - - \$9,167,913 95

State of the Sinking Fund.

Have been accounted for in the following manner
viz :

There was repaid into the Treasury during the year 1814, on account of the principal of moneys heretofore advanced for the payment of the public debt, the sum of - - - \$286,336 65

The sums actually applied during the year 1814 to the payment of the principal and interest of the public debt, amounted, to the sum of \$8,940,074 08, viz :

In reimbursement of the principal of the public debt - - \$4,283,692 34

On account of the interest and charges on the same - - - 4,656,381 74

\$8,940,074 08

But of this sum there was short provided, consisting of unclaimed dividends on the public debt, not demanded or applied for by the proprietors - - - 58,496 78

8,881,577 30

\$9,167,913 95

That, during the year 1815, the following disbursements were made out of the Treasury on account of the principal and interest of the public debt, viz :

On account of the interest and reimbursement of the funded domestic debt - - - \$6,373,847 73

On account of the principal and interest of the registered debt - - - 6 49

On account of the principal and interest of temporary loans, viz : reimbursement of principal \$1,800,000 00

Payment of interest - - 69,230 07

1,869,230 07

On account of principal and interest of Treasury notes - - - 3,872,708 95

On account of the interest on Louisiana stock payable in Europe - - - 724,136 11

Amounting together to the sum of \$12,839,929 35

Which disbursements were made out of the following funds, viz :

I. From the balance of the annual appropriation of eight millions of dollars for the year 1814, remaining unexpended at the end of that year, which balance amounted, as stated in the last annual report to - - - \$341,710 17

II. From the funds constituting the annual appropriation of eight millions of dollars for the year 1815, viz :

From the fund arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, as per statement I - \$1,969,577 64

From the fund arising from the net proceeds of the sales of public lands - - - 1,200,000 00

From proceeds of duties on goods, wares, and

merchandise imported, and on the tonnage of vessels - \$4,830,422 86

\$8,000,000 00

III. From the proceeds of the duties on goods, wares, and merchandise imported, and on the tonnage of vessels, and from the proceeds of the direct tax and internal duties in advance, and on account of the annual appropriation of eight millions of dollars for the year 1816 - - - 4,498,219 18

12,839,929 35

That the aforesaid sum of twelve millions eight hundred and thirty-nine thousand nine hundred and twenty-nine dollars and thirty-five cents will be accounted for in the next annual report, in conformity with the accounts which shall have been rendered to this Department.

That, in the meantime, the manner in which the said sum has been applied is estimated as follows, viz :

There is estimated to have been applied to the payment of the deficiency of the provision at the end of the year 1814, as above stated, the sum of 58,496 78

There was paid for loss on exchange on remittances from America to Europe, during the year 1815, the sum of - 53,038 17

There is estimated to have been applied during the year 1815 to the reimbursement of the principal of the public debt - - \$7,034,016 48

And to the payment of interest on the same 5,606,966 02

12,640,981 50

And there is estimated to have been left unapplied at the end of the year 1815, a sum applicable to payments on account of the public debt during the year 1816, of - - - 87,412 90

\$12,839,929 35

That the temporary loans, which became payable during the year 1815 were paid, but the two instalments amounting to \$500,000, which became payable to the State bank, Boston, in the month of December, 1814, and which were not then paid from the inability of the Treasury to apply the moneys within its control to that object, owing to the disordered state of the public currency.

That, during the year 1815, and on the 1st day of January, 1816, Treasury notes charged upon the Sinking Fund fell due amounting to \$7,747,280. It was not within the power of the Treasury to make provision for the payment of any part of these notes, or of those which had fallen due, and had not been paid in the preceding year, (with the exception of such as were applied by their holders to the payment of duties and taxes,) until the 1st of July, 1815, when provision was made, and public notice thereof given for the reimbursement of such Treasury notes as had previously to that time become payable at Baltimore and Washington. The same provision was made on the 1st of August for those previously payable

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at Philadelphia; on the 1st of September for those previously payable at Savannah; and on the days when they respectively become payable, for those reimbursable at all other places, with the exception of New York and Boston; at neither of which places have funds yet been obtained to an extent sufficient to meet the payment of the Treasury notes reimbursable at those two places respectively. The annexed statement marked L, shows the time when, and the places at which, all the Treasury notes reimbursable in the year 1815, and on the 1st of January, 1816, became payable.

A statement, marked H, is annexed, which exhibits the whole amount of stock transferred to the Commissioners of the Sinking Fund, and standing to their credit on the books of the Treasury on the last day of December, 1815.

All which is respectfully submitted by

A. J. DALLAS, *Sec'y Treasury.*

[The tabular statements are omitted.]

PROTECTION TO THE MANUFACTURERS OF COTTON FABRICS.

[Communicated to the House, February 13, 1816.]

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred the memorials and petitions of the manufacturers of cotton wool, submitted the following report:

The committee were conscious that they had no ordinary duty to perform, when the House of Representatives referred to their consideration the memorials and petitions of the manufacturers of cotton wool. In obedience to the instructions of the House they have given great attention to the subject, and beg leave to present the result of their deliberations.

They are not a little apprehensive that they have not succeeded in doing justice to a subject so intimately connected with the advancement and prosperity of agriculture and commerce; a subject which enlightened statesmen and philosophers have deemed not unworthy of their attention and consideration.

It is not the intention of the committee to offer any theoretical opinions of their own or of others; they are persuaded that a display of speculative opinions would not meet with approbation. From these views the committee are disposed to state facts, and to make such observations only as shall be intimately connected with, and warranted by them.

Prior to the years 1806 and 1807, establishments for manufacturing cotton wool had not been attempted, but in a few instances, and on a limited scale. Their rise and progress are attributable to embarrassments, to which commerce was subjected, which embarrassments originated in causes not within the control of human prudence.

While commerce flourished, the trade which had been carried on with the continent of Europe, with the East Indies, and with the colonies

of Spain and France, enriched our enterprising merchants; the benefits of which were sensibly felt by the agriculturists, whose wealth and industry were increased and extended. When external commerce was suspended the capitalists throughout the Union became solicitous to give activity to their capital. A portion of it, it is believed, was directed to the improvement of agriculture; and not an inconsiderable portion of it, as it appears, was likewise employed in erecting establishments for manufacturing of cotton wool.

To make this statement as satisfactory as possible, to give it all the certainty that it is susceptible of attaining, the following facts are respectfully submitted to the consideration of the House. They show the rapid progress which has been made in a few years, and, evidently, the ability to carry them on with certainty of success, should a just and liberal policy regard them as objects deserving encouragement:

In the year 1800, 500 bales of cotton were manufactured in manufacturing establishments; in 1805, 1,000; in 1810, 10,000; and in 1815, 90,000.

This statement the committee have no reason to doubt; nor have they any to question the truth of the following succinct statement of the capital which is employed, of the labor which it commands, and of the products of that labor:

Capital - - - -	\$40,000,000
Males employed from the age of 17 and upwards - - - -	10,000
Women and female children - - - -	68,000
Boys under 17 years of age - - - -	24,000
Wages of 100,000 persons, averaging \$150 each - - - -	\$15,000,000
Cotton wool manufactured, 90,000 bales, amounting to - - - - lbs.	27,000,000
Number of yards of cotton of various kinds - - - -	81,000,000
Cost per yard, averaging 30 cents - - - -	\$24,300,000

The rise and progress of such establishments can excite no wonder. The inducements to industry, in a free Government, are numerous and inviting. Effects are always in unison with their causes. The inducements consist in the certainty and security, which every citizen enjoys, of exercising exclusive dominion over the creations of his genius, and the products of his labor; in procuring from his native soil, at all times, with facility, the raw materials that are required; and in the liberal encouragement that will be accorded by agriculturists to those who, by their labor, keep up a constant and increasing demand for the produce of agriculture.

Every State will participate in those advantages; the resources of each will be explored, opened, and enlarged. Different sections of the Union will, according to their position, the climate, the population, the habits of the people, and the nature of the soil, strike into that line of industry which is best adapted to their interest and the good of the whole; an active and free intercourse, promoted and facilitated by roads and canals, will ensue; prejudices, which are generated by distance, and the want of inducements to

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approach each other and reciprocate benefits, will be removed; information will be extended; the Union will acquire strength and solidity; and the Constitution of the United States; and that of each State, will be regarded as fountains, from which flow numerous streams of public and private prosperity.

Each Government, moving in its appropriate orbit, performing with ability its separate functions, will be endeared to the hearts of a good and grateful people.

The States that are most disposed to manufactures as regular occupations, will draw from the agricultural States all the raw materials which they want, and not an inconsiderable portion, also, of the necessities of life; while the latter will, in addition to the benefits which they at present enjoy, always command, in peace or in war, at moderate prices, every species of manufacture that their wants may require. Should they be inclined to manufacture for themselves, they can do so with success, because they have all the means in their power to erect and to extend, at pleasure, manufacturing establishments. Our wants being supplied by our own ingenuity and industry, exportation of specie to pay for foreign manufactures will cease.

The value of American produce at this time exported will not enable the importers to pay for the foreign manufactures imported. Whenever the two accounts shall be fairly stated, the balance against the United States will be found to be many millions of dollars. Such is the state of things that the change must be to the advantage of the United States. The precious metals will be attracted to them, the diffusion of which, in a regular and uniform current through the great arteries and veins of the body politic, will give to each member health and vigor.

In proportion as the commerce of the United States depends on agriculture and manufactures, as a common basis, will it increase, and become independent of those revolutions and fluctuations, which the ambition and jealousy of foreign Governments are too apt to produce. Our navigation will be quickened, and, supported as it will be by internal resources never before at the command of any nation, will advance to the extent of those resources.

New channels of trade, to enterprise no less important than productive, are opening, which can be secured only by a wise and prudent policy appreciating their advantage.

If want of foresight should neglect the cultivation and improvement of them, the opportune moment may be lost, perhaps, for centuries, and the energies of this nation be, thereby, prevented from developing themselves, and from making the boon which is proffered our own.

By trading on our own capital, collisions with other nations, if they be not entirely done away, will be greatly diminished.

This natural order of things exhibits the commencement of a new epoch, which promises peace, security, and repose, by a firm and steady reliance on the produce of agriculture, on the

treasures that are embosomed in the earth, on the genius and ingenuity of our manufacturers and mechanics, and on the intelligence and enterprise of our merchants.

The Government, possessing the intelligence and the art of improving the resources of the nation, will increase its efficient powers, and, enjoying the confidence of those whom it has made happy, will oppose to the assailant of the nation's rights, the true, the only invincible ægis—the unity of will and strength.

Causes producing war will be few; should war take place its calamitous consequences will be mitigated, and the expenses and burdens of such a state of things will fall with a weight less oppressive and injurious on the nation. The expenditures of the last war were greatly increased by a dependence on foreign supplies; the prices incident to such a dependence will always be high.

Had not our nascent manufacturing establishments increased the quantity of commodities, at that time in demand, the expenditures would have been much greater, and consequences the most fatal and disastrous, alarming even in contemplation, would have been the fate of this nation. The experience of the past teaches a lesson never to be forgotten, and points emphatically to the remedy. A wise Government should heed its admonitions, or the independence of this nation will be exposed to "the shafts of fortune."

The committee, keeping in view the interest of the nation, cannot refrain from stating that cotton fabrics imported from India, interfere not less with that encouragement to which agriculture is justly entitled, than they do with that which ought reasonably to be accorded to the manufacturers of cotton wool. The raw material of which they are made is the growth of India, and of a quality inferior to our own.

The fabrics themselves, in point of duration and use, are likewise inferior to the substantial fabrics of American manufacture. Although the India cotton fabrics can be sold for a lower price than the American, yet the difference in the texture is so much in favor of the American, that the latter may be safely considered as the cheapest.

The distance of most of the Western States from the ocean, the exuberant richness of the soil, and the variety of its products, forcibly impress the mind of the committee with a belief that all these causes conspire to encourage manufactures, and to give an impetus and direction to such a disposition. Although the Western States may be said to be in the gristle, in contemplation of that destiny to which they are hastening, yet the products of manufactures in those States are beyond every calculation that could reasonably be made; contrary to the opinion of many enlightened and virtuous men, who have supposed that the inducement to agriculture, and the superior advantages of that life, would suppress any disposition of that sort of industry. But theories, how ingeniously soever they may be constructed, how much soever they may be made to conform to the laws of symmetry and beauty, are no sooner

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brought into conflict with facts, than they fall into ruins. In viewing their fragments the mind is irresistibly led to render the homage due to the genius and taste of the architects, but cannot refrain from regretting the waste, to no purpose, of superior intellects. The Western States prove the fallacy of such theories; they appear in their growth and expansion to be in advance of thought; while the political economist is drawing their portraits, their features change and enlarge, with such rapidity, that his pencil in vain endeavors to catch their expression, and to fix their physiognomy.

It is to their advantage to manufacture, because, by decreasing the bulk of the articles, they at the same time increase their value by labor, bring them to market with less expense, and with the certainty of obtaining the best prices.

Those States understanding their interest will not be diverted from its pursuit. In the encouragement of manufactures they find a stimulus for agriculture.

The manufacturers of cotton, in making application to the National Government for encouragement, have been induced to do so for many reasons. They know that their establishments are new and in their infancy, and that they have to encounter a competition with foreign establishments that have arrived at maturity, that are supported by a large capital, and that have from the Government every protection that can be required.

The American manufacturers expect to meet with all the embarrassments which jealous and monopolizing policy can suggest. The committee are sensible of the force of such considerations. They are convinced that old practices and maxims will not be abandoned to favor the United States. The foreign manufacturers and merchants will put in requisition all the powers of ingenuity; will practice whatever art can devise, and capital can accomplish, to prevent the American manufacturing establishments from striking root and flourishing in their rich and native soil. By the allowance of bounties and drawbacks, the foreign manufacturers and merchants will be furnished with additional means of carrying on the conflict, and of insuring success.

The American manufacturers have good reasons for all their apprehensions; they have much at stake; they have a large capital employed, and are feelingly alive for its fate. Should the National Government not afford them protection, the dangers which invest and threaten them will destroy all their hopes, and will close their prospects of utility to their country. A reasonable encouragement will sustain and keep them erect; but, if they fall, they fall never to rise again.

The foreign manufacturers and merchants know this, and will redouble with renovated zeal the stroke to prostrate them. They also know that, should the American manufacturing establishments fall, their mouldering piles, the visible ruins of a legislative breath, will warn all who shall tread in the same footsteps, of the

doom, the inevitable destiny of their establishments.

The National Government, in viewing the disastrous effects of a short-sighted policy, may relent, but what can relenting avail? Can it raise the dead to life? Can it give for injuries inflicted the reparation that is due? Industry, in every ramification of society, will feel the shock, and generations will, as they succeed each other, feel the effects of its undulations. Dissatisfaction will be visible every where, and the lost confidence and affections of the citizens will not be the least of the evils the Government will have to deplore. But should the National Government, pursuing an enlightened and liberal policy, sustain and foster the manufacturing establishments, a few years would place them in a condition to bid defiance to foreign competition, and would enable them to increase the industry, wealth, and prosperity of the nation, and to afford to the Government, in times of difficulty and distress, whatever it may require to support public credit, while maintaining the rights of the nation.

Providence, in bountifully placing within our reach whatever can administer to happiness and comfort, indicates plainly to us our duty, and what we owe to ourselves. Our resources are abundant and inexhaustible.

The stand that Archimedes wanted is given to the National and State governments, and labor-saving machinery tenders the lever—the power of bringing those resources into use.

This power imparts incalculable advantages to a nation whose population is not full. The United States require the use of this power, because they do not abound in population. The diminution of manual labor, by means of machinery, in cotton manufacture in Great Britain was, in the year 1810, as two hundred to one.

Our manufacturers have already availed themselves of this power, and have profited by it. A little more experience in making machines, and in managing them with skill, will enable our manufacturers to supply more fabrics than are necessary for the home demand.

Competition will make the prices of the articles low, and the extension of the cotton manufactures will produce that competition.

One striking and important advantage which labor-saving machines bestow is this, that in all their operations they require few men, as a reference to another part of this report will show. No apprehensions can then be seriously entertained that agriculture will be in danger of having its efficient laborers withdrawn from its service.

On the contrary, the manufacturing establishments increasing the demand for raw materials will give to agriculture new life and expansion.

The committee, after having, with great deference and respect, presented to this House this important subject, in various points of view, feel themselves constrained, before concluding this report, to offer a few more observations, which they consider as being immediately connected with it, and not less so with the present and future prosperity of this nation.

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The prospects of an enlarged commerce are not flattering.

Every nation, in times of peace, will supply its own wants from its own resources, or from those of other nations.

When supplies are drawn from foreign countries, the intercourse which will ensue will furnish employment to the navigation only of the countries connected by their reciprocal wants.

Our concern does not arise from, nor can it be increased by, the limitation which our navigation and trade will have prescribed to them, by the peace and apparent repose in Europe.

Our apprehensions arise from causes that cannot animate by their effects. Look wheresoever the eye can glance, and what are the objects that strike the vision? On the continent of Europe industry, deprived of its motive and incitement, is paralyzed; the accumulated wealth of ages, seized by the hand of military despotism, is appropriated to and squandered on objects of ambition; the order of things unsettled, and confidence between man and man annihilated. Every moment is looked for with tremulous, anxious, and increased solicitude; hope languishes, and commercial enterprise stiffens with fear. The political horizon appears to be calm, but many, of no ordinary sagacity, think they behold signs portentous of a change—the indications of a violent tempest which will again rage and desolate that devoted region.

Should this prediction fail, no change for the better, under existing circumstances, can take place. Where despotism, military despotism, reigns, silence and fearful stillness must prevail.

Such is the prospect which continental Europe exhibits to the enterprise of American merchants.

Can it be possible for them to find in that region sources which will supply them with more than \$17,000,000, the balance due for British manufactures imported? this balance being over and above the value of all the exports to foreign countries from the United States. The view which is given of the dreary prospect of commercial advantages accruing to the United States by an intercourse with continental Europe is believed to be just. The statement made of the great balance in favor of Great Britain, due from the United States, is founded on matter of fact.

In the hands of Great Britain are gathered together, and held many powers, which they have not been accustomed hitherto to feel and to exercise.

No improper motives are intended to be imputed to that Government; but does not experience teach a lesson that should never be forgotten—that Governments, like individuals, are too apt "to feel power and forget right?" It is not inconsistent with national decorum to become circumspect and prudent. May not the Government of Great Britain be inclined, in analyzing the basis of her political power, to consider and regard the United States as her rival, and to indulge an improper jealousy—the enemy of peace and repose?

Can it be politic, in any point of view, to mak

the United States dependent on any nation for supplies absolutely necessary for defence, for comfort, and for accommodation?

Will not the strength, the political energies of this nation be materially impaired, at any time, but fatally so in those of difficulty and distress, by such dependence?

Do not the suggestions of wisdom plainly show that the security, the peace, and the happiness of this nation depend on opening and enlarging all our resources, and drawing from them whatever shall be required for public use or private accommodation?

The committee, from the views which they have taken, consider the situation of the manufacturing establishments to be perilous. Some have decreased, and others have suspended business. A liberal encouragement will put them again into operation, with increased powers; but, should it be withheld, they will be prostrated. Thousands will be reduced to want and wretchedness. A capital of near \$60,000,000 will become inactive, the greater part of which will be a dead loss to the manufacturers. Our improvidence may lead to fatal consequences; the Powers jealous of our growth and prosperity will acquire the resources and strength which this Government neglects to improve. It requires no prophet to foretell the use that foreign Powers will make of them.

The committee, from all the considerations which they have given to this subject, are deeply impressed with a conviction that the manufacturing establishments of cotton wool are of real utility to the agricultural interest, and that they contribute much to the prosperity of the Union.

Under the influence of this conviction the committee beg leave to tender, respectfully, with this report, the following resolution:

Resolved, That, from and after the 30th day of June next, in lieu of the duties now authorized by law, there be laid, levied, and collected, on cotton goods imported into the United States, and the Territories thereof, from any foreign country whatever, — per centum ad valorem, being not less than — cents per square yard.

The number of cotton spindles supposed to be now employed, or ready to be employed, in the United States, are 550,000; but, upon sure grounds, may be stated at 500,000. The capital necessary to carry on the manufacture, including the stock of cotton wool, the yarn in the hands of weavers, the cloth in the hands of the agents, or sold at a credit of six months, added to the real estate, buildings, and machinery, is estimated at seventy-five dollars per spindle, which, on 500,000 spindles, amounts to \$37,500,000.

The number of persons employed constantly and steadily may be stated at one hundred thousand of whom not more than one-ninth, or, perhaps, one-tenth are able-bodied men; the rest are infirm, feeble men, or women and children. The manufacture must, also, give incidental employment to a much greater number of persons, in weaving and otherwise, whose ordinary employment is agriculture, and who devote to the man-

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ufacture those hours of Winter and bad weather, when the labors of the farm are suspended.

After calculating the cost of the raw material, the labor, interest of money at 6 per cent., insurance, repairs, and other charges, we are of opinion that a duty of at least ten cents on the square yard is necessary for the protection of the American manufacture, and that an ad valorem duty of even 40 or 50 per cent. on the India goods, on account of the lowness of the first cost, would not give the requisite encouragement. It may not be improper here to state that an increase of the duties upon cotton goods, generally, though it might diminish the importation of such goods as we make, would, on the whole, not diminish the receipts of the Treasury, because the increased receipts from such goods as we do not manufacture would counterbalance the loss on such as we do.

With the machinery already erected, the cotton manufacturers can supply the United States with about ninety millions of yards of cotton cloth annually. These consist chiefly of gingham, plaids, bed-ticks, stripes, checks, sheetings, shirtings, and in part of canvass and velvets and other cut stuffs.

At present the coarse shirtings made from yarn No. 12, will bring about 23 cents in New York, at which price they cannot be afforded: the same article has been sold at 33 to 35 cents. The price must necessarily be regulated by the price of cotton wool which during the war was very high at the North, and since the war has been high everywhere.

The principal markets are the cities of New York, Philadelphia, and Baltimore, and, in a less degree, Charleston and Savannah: from these cities they are spread over the South and West.

Of the number of spindles now in operation, very few were effectually at work before the war. Such establishments have as yet reaped no profit whatever. Had the whole number been in complete operation before the war, the home competition would have reduced the prices much lower than they were; but the greater number produced no effect till about the conclusion of the war.

We are unable to state, with any exactness, the amount or value of cotton goods imported into the United States in different years; but, to show of how much importance this trade is to Great Britain, we would state that between a quarter and a third of all the exports of British produce and manufacture during the years 1806 and 1807—say £11,417,834, on an average of the two years—were made to the United States. In the same years, the real value of cotton goods exported to the United States from Great Britain (exclusive of Scotland) was, on an average of the two years, £4,393,449, and of woollen goods, £4,591,437—being \$19,000,000 of cotton, and \$20,000,000 of woollen.

It is proper to add, that there is now one manufactory of cut fustians and velvets at Hudson, and another about to begin at Frankfort, and that these goods require a duty higher than we have proposed for other goods. They cost more—say

from 14*d.* to 30*d.* per yard of 18 inches width—and therefore will require a duty of 30 cents per square yard for such as cost 23*d.* and under, and 36 cents for such as cost more.

TARIFF OF DUTIES ON IMPORTS.

[Communicated to the House, February 13, 1816.]

TREASURY DEPARTMENT, Feb. 12, 1816.

SIR: In obedience to the resolution of the House of Representatives of the 23d of February, 1815, I have the honor to transmit a report on the subject of a general tariff of duties proper to be imposed on imported goods, wares, and merchandise.

I have the honor to be, &c.

A. J. DALLAS.

HON. SPEAKER of the House of Reps.

On the 23d February, 1815, the House of Representatives "*Resolved*, That the Secretary of the Treasury be directed to report to Congress, at their next session, a general tariff of duties proper to be imposed upon goods, wares, and merchandise," and, in obedience to that resolution, the Secretary of the Treasury has now the honor to lay before Congress the following report, comprehending—

- I. A view of the tariff of the United States, and its incidents upon the Peace Establishment.
- II. A statement of the general principles for reforming the tariff of the United States, including the means of enforcement.
- III. A general tariff proposed for the consideration of Congress.

I. A view of the Tariff of the United States, and its incidents upon the Peace Establishment.

By an act of Congress, passed on the 1st July, 1812, the permanent duties previously imposed by law upon goods imported into the United States from foreign places were doubled; an addition of 10 per cent. was made to the double duties upon goods imported in vessels not of the United States; and vessels belonging wholly or in part to the subjects of foreign Powers, entering the United States, were charged with an additional tonnage duty of \$1 50 per ton. This act was limited in its continuance to the period of one year after the peace with Great Britain, and it expires of course on the 17th of February, 1816. The act (with all its supplements) imposing an additional duty, commonly called the "Mediterranean Fund," of 2½ per cent. ad valorem on all imported goods paying duties ad valorem, and a discriminating duty of 10 per cent upon that additional duty, in respect to all goods imported in vessels not of the United States, had expired on the 3d March, 1815.

Considering the subject, therefore, upon the foundation on which it is placed by the extinction of the Mediterranean Fund, and by the restoration of peace, the annexed table (marked A) exhibits the general tariff of the United States, resulting from the successive acts of Congress imposing, augmenting, and modifying the duties

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upon imported merchandise, compared with the rates of duties proposed for the new tariff; and it is susceptible of the discrimination marked in the table No. 1, comprising the articles charged with specific duties; No. 2, comprising the articles charged with duties ad valorem, at the several rates of 12½ per cent., 15 per cent., and 20 per cent.; and No. 3, comprising the articles that are free from duty.

It is another important view of the subject, connected with the details of the table A, that the rate of duty upon the tonnage of vessels of the United States, and of the duties upon the goods which they import, is less than upon the tonnage of other vessels, and of their cargoes. Thus:

1. *As to the duty on tonnage.*

Ships or vessels of the United States entering from any foreign port or place, or carrying goods from one district to another district, are charged at the rate, per ton of - - - 6 cts.

Ships or vessels built within the United States, but belonging wholly or in part to the subjects of foreign Powers, entering from a foreign place or port, are charged at the rate, per ton, of - - 30 do.

Ships or vessels of every other description entering from a foreign port or place, carrying goods from one district to another district within the United States, are charged at the rate, per ton, of - 50 do.

And it may be properly here added that ships and vessels not of the United States, or not wholly owned by American citizens, entering the ports of the United States, are charged by law with the duty called "light money," at the rate, per ton, of - - - 50 do.

2. *As to the duty on goods imported.*

The discriminating duty imposed by law on goods imported in vessels of the United States is not made a direct charge upon the goods as specified in the table A, but it is charged generally upon the rate of duty imposed on the like goods, when imported in vessels of the United States; and it is uniformly an addition of 10 per cent. upon the American rate of duty, whether that be specific or ad valorem.

The discriminating duty is to be considered, however, in connexion with the treaties and acts of Congress which have subjected it to temporary or permanent modifications. Thus, 1. The Louisiana Convention suspended the discriminating duties for a period of twelve years, (which will expire on the 6th March, 1816,) in relation to French and Spanish vessels and cargoes arriving within the ceded Territory. 2. The convention to regulate the commerce between the territories of the United States and His Britannic Majesty will suspend the discriminating duties in relation to British vessels and cargoes arriving within the United States from the British territories in Europe, for a period of four years, commencing on the 3d July, 1815. And, 3. The act of the 3d March, 1815, has authorized the aboli-

tion of the discriminating duties in relation to every foreign nation which shall abolish such of its discriminating and countervailing duties as are disadvantageous to the United States.

The duty on tonnage is payable at the time of entry; but, before the product of the duties on goods imported reaches the public Treasury, the collection is affected by the credit which the law allows to the importer, and the amount is liable to a reduction, by the allowance of drawbacks and bounties, as well as by the expense of collection.

1st. *As to the credit for duties on goods imported.*

On the produce of the West Indies, (salt excepted,) and on goods imported by sea from all foreign ports and islands lying north of the equator, and situated on the eastern shores of America, it is three months for one-half, and six months for the other half.

On salt it is nine months.

On Madeira, and all other wines, it is twelve months.

On goods imported from Europe, (other than wines, salt, and teas,) it is eight months for one-third, ten months for one-third, and twelve months for one-third.

On goods (other than wines, salt, and teas) imported from any other place than Europe and the West Indies, it is six months for one-half, nine months for one-fourth, and twelve months for one-fourth.

On teas imported from China or Europe it is conditionally, upon deposits, two years, subject, as intermediate sales may be effected, to payments at four months, eight months, or twelve months, according to the amount of sales, respectively.

2d. *As to the drawback of duties on goods exported.*

The general provision of the law allows a drawback of the duties on goods imported into the United States, provided they amount to fifty dollars, if the goods be exported within twelve calendar months after the importation to any foreign port or place other than the dominions of any foreign State immediately adjoining to the United States. This local limitation has been modified, however, so as to authorize an exportation, with the benefit of the drawback, from Louisiana to any port or place situated to the southward thereof.

To the general provision of the law for the allowance of drawback there are some exceptions: 1st. The additional duty of ten per cent. imposed upon goods imported in vessels not of the United States, is not the subject of drawback. 2dly. The right of exportation for the benefit of drawback is not allowed in the case of foreign dried and pickled fish, and other salted provisions, fish oil, or playing cards. 3dly. The rate of a half cent per gallon on spirits, with two and a half per cent. on the duties, and the rate of three and a half per cent. on the amount of the duties on all other goods imported, is to be retained, when they are exported for the benefit of drawback, as an indemnification for the expense accrued concerning them.

*Tariff of Duties on Imports.**3d. As to the allowance of bounties on exports.*

The act of the 29th of July, 1813, (which will expire on the 17th of February, 1816,) when it imposed a duty of twenty cents per bushel upon imported salt, allowed a bounty upon all exported pickled fish of the fisheries of the United States, at the rate of twenty cents per barrel, provided the fish were wholly cured with foreign salt, on which a duty had been paid or secured. The same act authorizes an annual allowance to the owners and crews of American vessels and boats employed in the fisheries, graduated according to the tonnage.

The act of the 24th of July, 1813, (which will also expire on the 17th of February, 1816,) when it imposed a duty of four cents per pound upon all sugars refined within the United States, authorized a drawback, in the nature of a bounty, upon all such of the sugar so refined, as should be exported from the United States to any foreign port or place.

4th. As to the expense of the collection of duties on imports.

The successful collection of the duties on imports, before the introduction of the restrictive system, depended more upon the integrity of the commercial community than upon the rigor of

the laws, or an expensive vigilance at the custom-house. It is not to be denied or disregarded, however, that soon after that event the spirit of illicit commerce was kindled, that it spread during the late war, and that, with every just reliance upon the honor of the American merchant, measures of great energy have become necessary for the protection of the fair trader, as well as for the security of the revenue. Hitherto the average annual expense of collection may be stated at nearly four per cent. upon the annual product (exclusive of the fees paid by individuals, which may be estimated at one per cent. more) during a season of open and prosperous commerce; and it is believed that the effect of an increased expenditure in the employment of the means which are necessary to prevent and detect offences against the laws, will so augment the product of the duty, as to afford a certain and ample equivalent for the original advance.

The operation of the tariff, exhibited in table A, with the incidents which have been stated, may be concisely viewed with reference to two periods in the commerce of the United States: 1st. Before the introduction of the restrictive system, from 1804 to 1807, both years inclusive; and, 2d, after the introduction of the restrictive system, from 1808 to 1811, both years inclusive. Thus—

	During the four years, from 1804 to 1807, both in- clusive.	During the four years, from 1808 to 1811, both in- clusive.
The average annual gross product of duties on merchandise imported	\$24,226,091 51	\$12,423,774 09
The average annual amount of debentures issued for drawback on merchandise imported	8,714,073 50	2,755,602 25
The average annual amount of bounties and allowances	192,700 37	53,036 23
The average annual product of duties on merchandise imported, after deducting drawbacks, bounties, &c.	15,319,317 64	9,615,135 61
The average annual product of the ad valorem duties, including the Mediterranean fund, after deducting ditto	6,536,975 89	4,316,329 43
The average annual product of the Mediterranean fund, after deducting ditto	968,066 36	692,299 38
The average annual product of the specific duties, after deducting do.	8,265,737 10	5,073,278 80
The average annual product of the three and a half per cent. retained on drawback	218,917 06	100,203 75
The average annual product of the additional duty of ten per cent. in merchandise imported in foreign vessels	197,687 59	125,323 63
The average annual product of duties on merchandise imported in American vessels, after deducting drawbacks, &c.	13,144,754 18	8,236,575 68
The average annual product of duties on merchandise imported in foreign vessels	2,174,563 46	1,378,559 93
The average annual product of duties on tonnage	160,660 50	169,135 90
The average annual product of light-money	51,869 90	32,165 42
The average annual expenses on collection	564,813 88	479,633 12

*Tariff of Duties on Imports.***II. A statement of the general principles for reforming the tariff of the United States, including the means of enforcement.**

The tariff which has been thus generally reviewed originated in the year 1790, soon after the organization of the Federal Government. Notwithstanding the various alterations to which it was subjected during the long period of American neutrality, it certainly has not been left in a state adapted to the present epoch. The peace of Europe will give a new course and character to the commerce of the world; and the condition of the United States is essentially changed in population, in wealth, in the employment of labor and capital, in the demand of luxuries, or of necessities for consumption, and in the native resources to supply the demand. These considerations forcibly recommend the measure of revision and reform which is now contemplated; the task, however, is not more important in its object than difficult in the performance. The means of information are scattered and imperfect. Many conflicting interests and prejudices are to be reconciled; and, in the unsettled state of commerce, much of any plan connected with its operations must unavoidably rest upon hypothesis, and be tested by future experiment. In every effort, therefore, to diminish the force of these obstacles, an ulterior reliance upon the wisdom of the Legislature has been respectfully indulged.

In framing the propositions which this report will submit to the consideration of Congress for the establishment of a general tariff, three great objects have been principally regarded: 1st. The object of raising, by duties on imports and tonnage, the proportion of public revenue which must be drawn from that source. 2d. The object of conciliating the various national interests, which arise from the pursuits of agriculture, manufactures, trade, and navigation; and, 3d. The object of rendering the collection of the duties convenient, equal, and certain.

1. The report which the Committee of Ways and Means presented to the House of Representatives on the 9th day of January, 1816, furnishes a foundation to estimate, with sufficient precision, for the present purpose, the proportion of the public revenue to be annually raised through the medium of the customs.

It is there stated that the amount of the annual demands of the Peace Establishment may be placed at the sum of - - - - \$15,778,669

But to this sum it is now proper to add the general amount which is appropriated for the payment of the principal of the public debt, estimated at \$1,850,000

The difference between the Treasury estimate for the naval service, made upon conjectural ground, and the subsequent statement of the Sec'y of the Navy, made upon official documents, to wit:

The Secretary of the Navy's statement, after adding the

sum of \$200,000, annually appropriated for three years for the purchase of timber, being - - \$3,838,071
The Treasury estimate being - 2,716,510

The difference being - - -	1,121,561
And the amount which is proposed by the Committee of Ways and Means to add to the Sinking Fund, (raising it from \$8,000,000 to \$13,150,000) - - -	5,150,000
	<u>8,121,561</u>
	<u>\$23,900,230</u>

The annual revenue to be raised for the service of Government, may then be stated in round numbers at the sum of \$24,000,000, independent of any provision for public institutions and public improvements; such as the President has recommended to the patronage of the Legislature; such as the patriotism of Congress may, from time to time, be induced to sanction; and such as will at once enlighten, enrich, and adorn the nation.

Upon the general principles of public policy, developed in the report of the Committee of Ways and Means, the supply for all the expenses of Government will be derived, in part, from internal duties and taxes, but principally from duties on imports.

Stating, therefore, the amount of demand for revenue at - - - - - \$24,000,000

It has been proposed to supply annually, from internal duties and taxes, and from the sales of public lands, the sum of \$6,925,000; that is to say, from the direct tax on lands, houses, and slaves, the sum of - - - \$2,700,000

From the duty on stills the sum of - - -	1,200,000
From the duty on stamps the sum of - - -	400,000
From the duty on refined sugar the sum of - - -	150,000
From the duty on carriages the sum of - - -	175,000
From licenses to retailers, (a tax proposed to be modified) the sum of - - -	900,000
From the duties on sales at auction the sum of - - -	400,000
From the sales of public lands the sum of - - -	1,000,000
	<u>6,925,000</u>

And the reliance for the residue of the supply must be of course upon the customs, to the amount of - - - \$17,075,000

It is here to be considered, that the report of the Committee of Ways and Means contemplates the abolition, or the reduction of duties or taxes heretofore pledged "to provide for the payment of the expenses of Government, for the punctual

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payment of the public debt, and for creating a Sinking Fund," to an amount not less than \$7,064,340: that is to say—

To abolish the duties on furniture and watches, on domestic manufactures, and on distilled spirits, in amount about - - - -	\$3,864,340
To abolish the additional duty on postage, in amount about - - - -	300,000
And to take from the direct tax, in net amount, about - - - -	2,900,000
	<hr/>
	\$7,064,340

And for supplying this sum of \$7,064,340, in observance of the plighted faith of the Government, it has been proposed to make an addition to the customs, equal to an average rate of forty-two per cent. upon the products of the duties imposed prior to the act of the 1st of July, 1812, by which the impost was doubled (as already stated) during the continuance of the late war.

If, then, the average annual product of the single duties on imports and tonnage may be estimated (and it cannot be prudently estimated higher) at the sum of - - - - - \$12,000,000

The addition of forty-two per cent. upon that amount will yield a sum of - - - - - 5,040,000

And will give, for the amount to be produced by the customs - - - - - \$17,040,000

2d. The social compact is formed on the basis of a surrender of a part of the natural rights of individuals, for the security and benefit of the whole society. The Federal compact is formed on the basis of a surrender of a part of the political rights of each State, for the benefit and security of the whole Confederation. Hence, in the attempt "to conciliate the various national interests which arise from the pursuits of agriculture, manufactures, trade, and navigation," it is necessary to recollect that the common object of the nation will not invariably correspond with the separate objects of individuals, or of their professions, nor with the local objects of the respective States, or of the industry of their inhabitants.

Under the beneficent dispensations of Providence, the territory of the United States produces almost all the natural fruits of the earth; and, pursuing the subdivision of which labor is susceptible, the citizens of the United States are engaged in the cultivation of almost every art, and every science, within the scope of human knowledge. But the fruits produced, although they are the fruits of the nation, are not the same in every State; and the labor employed, although it be the labor of the nation, is employed upon very different materials, with very different results in the principal sections of the Union.

From these considerations are derived the principles of general policy by which the national character is formed, and the national interests are maintained. The interests of agriculture require a free and constant access to a market for its staples, and a ready supply of all the articles of use and consumption on reasonable terms; but

the national interest may require the establishment of a domestic in preference to a foreign market, and the employment of domestic in preference to foreign labor, in furnishing the necessary supplies. And, again, the interests of foreign commerce flourish most when foreign commerce is the only medium to convey the natural products of the country to a market, and to provide for all the wants of the people in the fabrics of the manufacturer and the artist; but the national interest may require (contemplating equally the state of peace and the state of war) that the people should be as independent in the resources of their subsistence as in the operations of their Government. It must, however, be the aim of every just system of political economy to secure the national interest with as little prejudice as possible to the peculiar interests of agriculture and of commerce.

There are few, if any, governments which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have always so regarded it. In the earliest acts of Congress, which were passed after the adoption of the present Constitution, the obligation of providing, by duties on imports, for the discharge of the public debts, is expressly connected with the policy of encouraging and protecting manufactures. In the year 1790 the Secretary of the Treasury was directed by the House of Representatives to take the subject of manufactures into consideration, with a view particularly to report upon "the means of promoting such as would render the United States independent of foreign nations for military and other essential supplies." In the year 1810 the Legislature again manifested a marked solicitude to ascertain the progress of the national independence in manufactures, by combining the business of the census with an inquiry into the state of the several manufacturing establishments and manufactures within the several districts, territories, and divisions of the United States. But it was emphatically during the period of the restrictive system and of the war, that the importance of domestic manufactures became conspicuous to the nation, and made a lasting impression upon the mind of every statesman and of every patriot. The weapons and munitions of war, the necessities of clothing, and the comforts of living, were at first but scantily provided. The American market seemed, for a while, to be converted into a scene of gambling and extortion; and it was not the least of the evils generated by the unequal state of the supply and the demand, that an illicit traffic with the enemy, by land and by water, was corruptly and systematically prosecuted from the commencement to the termination of hostilities.

From these circumstances of suffering and mortification have sprung, however, the means of future safety and independence. It has been thought that, with respect to industry applied to manufactures as well as with respect to industry applied to commerce, individuals should be left to pursue their own course untouched by the

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hand of Government, either to impel or to restrain. Without examining how far this opinion is sanctioned by experience, it is sufficient upon the present occasion to observe that the American manufactures, particularly those which have been introduced during the restrictive system and the war, owe their existence exclusively to the capital, the skill, the enterprise, and the industry of private citizens. The demands of the country, while the acquisition of supplies from foreign nations was either prohibited or impracticable, may have afforded a sufficient inducement for this investment of capital, and this application of labor; but the inducement, in its necessary extent, must fail when the day of competition returns. Upon that change in the condition of the country, the preservation of the manufactures which private citizens, under favorable auspices, have constituted the property of the nation, becomes a consideration of general policy, to be resolved, by a recollection of past embarrassments, by the certainty of an increased difficulty of reinstating, upon any emergency, the manufactures which shall be allowed to perish and pass away, and by a just sense of the influence of domestic manufactures upon the wealth, power, and independence of the Government.

The object to be encouraged and protected merits, in its intrinsic value, as well as in its general influence, the attention of the Legislature. From the peace of 1783, until the year 1808, the march of domestic manufactures was slow but steady. It has since been bold, rapid, and firm; until, at the present period, considering the circumstances of time and pressure, it has reached a station of unexampled prosperity. The attempt, however, to obtain detailed and accurate information upon the subject has only been successful in a very limited degree; and, consequently, the result must be presented to the view of Congress rather as an outline and an estimate than as a complete and demonstrative statement of facts. With this understanding the American manufactures may be satisfactorily divided into three principal classes, allowing for such diversities of shade as will sometimes seem to render the classification of particular manufactures doubtful or arbitrary:

First class. Manufactures which are firmly and permanently established, and which wholly, or almost wholly, supply the demand for domestic use and consumption.

Second class. Manufactures which, being recently or partially established, do not at present supply the demand for domestic use and consumption, but which, with proper cultivation, are capable of being matured to the whole extent of the demand.

Third class. Manufactures which are so slightly cultivated as to leave the demand of the country wholly, or almost wholly, dependent upon foreign sources for a supply.

1st class. In the first class it is believed the following articles may be embraced:

Cabinet wares and all manufactures of wood.
Carriages of all descriptions.

Cables and cordage.

Hats of wool, fur, leather, chip, or straw, and straw bonnets.

Iron castings, fire and side-arms, cannon, muskets, pistols.

Window glass.

Leather, and all manufactures of leather, including saddles, bridles, and harness.

Paper of every description; blank books.

Printing types.

2d class. In the second class it is believed the following articles may be embraced:

Cotton goods of the coarser kinds.

Woollen goods of the coarser kinds generally, and some of the finer kinds.

Metal buttons.

Plated wares.

Iron manufactures of the larger kinds; shovels, spades, axes, hoes, scythes, &c.; nails, large and small.

Pewter, tin, copper, and brass manufactures.

Alum, copperas.

Spirits, beer, ale, and porter.

3d class. In the third class it is believed the following articles may be embraced:

Cotton manufactures of the finer kinds; muslins, nankeens, chintzes, stained and printed cottons of all descriptions.

Linen of all descriptions, linen cambrics, lawns.

Hempen cloths, sailcloth, Russian and German linens.

Silk goods of all descriptions.

Woollen goods of many descriptions; worsted goods of all kinds, stuffs, camblets, blankets, carpets and carpeting.

Hosiery of all descriptions, including knit or woven gloves.

Hardware and ironmongery, excepting the large articles, cutlery, pins, needles.

China ware, earthen ware, porcelain.

Glass of all descriptions, except window glass and phials.

The matured state of the *first class* of manufactures relieves the task of forming a tariff, with respect to them, from any important difficulty. Duties might be freely imposed upon the importation of similar articles, amounting wholly, or nearly, to a prohibition, without endangering a scarcity in the supply, while the competition among the domestic manufacturers alone would sufficiently protect the consumer from exorbitant prices, graduating the rates of the market generally by the standard of a fair profit upon the capital and labor employed. It is true, however, on the other hand, that, by imposing low duties upon the imported articles, importation would be encouraged, and the revenue increased; but, without adding to the comfort, or deducting from the expense of the consumer, the consumption of the domestic manufacture would, in an equal degree, be diminished by that operation, and the manufacture itself might be entirely supplanted. It is, therefore, a question between the gain of the revenue and the loss of the manufacture, to be decided upon principles of national policy. Under the circumstances of an abundant market the in-

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terest of the consumer must stand indifferent, whether the price of any article be paid for the benefit of the manufacturer, or of the importer; but a wise Government will surely deem it better to sacrifice a portion of its revenue, than to sacrifice those institutions which private enterprise and wealth have connected with public prosperity and independence.

The *second class* of manufactures presents considerations of the most interesting, and not of the least embarrassing nature, in the formation of a tariff. Some remarks have already been made upon the danger which at present threatens those manufactures, as well as upon the policy of rendering them permanently beneficial to the nation; for it is respectfully thought to be in the power of the Legislature, by a well-timed and well-directed patronage, to place them, within a very limited period, upon the footing on which the manufactures included in the first class have been so happily placed, by the lapse of a few years, and the perseverance of a comparatively few individuals. The means of promoting this great object are various, but it appears to have been the early and continued practice and policy of the Government to afford encouragement to domestic products and manufactures, rather by the imposition of protecting duties than by the grant of bounties and premiums; and, indeed, it is in that course alone that the subject properly falls within the scope of the present report. Although some indulgence will always be required, for any attempt so to realize the national independence in the department of manufactures, the sacrifice cannot be either great or lasting. The inconveniences of the day will be amply compensated by future advantages. The agriculturist, whose produce and whose flocks depend for their value upon the fluctuations of a foreign market, will have no occasion eventually to regret the opportunity of a ready sale for his wool or his cotton in his own neighborhood; and it will soon be understood that the success of the American manufacture, which tends to diminish the profit (often the excessive profit) of the importer, does not necessarily add to the price of the article in the hands of the consumer.

Assuming, therefore, the ground, that the manufactures of the second class will be fostered by the legislative care, the amount of the protecting duties, and the mode of imposing them, in order to be effectual, become important considerations. It must be agreed, upon all hands, that the amount of the duties should be such as will enable the manufacturer to meet the importer in the American market upon equal terms of profit and loss, and that the mode of imposing the duties should be such as to secure the resulting competition from the influence of clandestine or illicit practices. There still, however, remains a diversity of opinion as to the amount which will be competent, and as to the mode which will be efficient; and the aim of this report will be to strike the medium which appears to be best established from all the information that has been collected.

The *third class* of manufactures does not require further attention, at this time, than to adjust the rate of duty to the amount of revenue which it is necessary to draw from them. They have not yet been the objects of American capital, industry, and enterprise, to any important degree; and the present policy of the Government is directed to protect, and not to create, manufactures.

There is, however, a distinct view of the subject which ought not to be omitted. Where the demand for raw materials, or manufactured articles in any of the departments of domestic industry, is wholly, or almost wholly, dependent upon the supply from foreign nations, the access to the American market should be easy, if not entirely free. Acting upon this principle it will be proper, above all, to respect the interests of ship-building and navigation at a period when the equalization of the duties upon tonnage and merchandise, by the operation of acts of Congress and treaties, will probably give rise to an interesting competition between foreign vessels and vessels of the United States. The shipping interest and the manufacturing interest must, however, be reconciled; and, consulting the best interests, the following suggestions are respectfully offered:

1. Imported iron cables, anchors, and bar iron; cables, cordage, hemp, packthread, twine, and seines; sheet copper, copper nails, and lead; so far as they enter essentially into the construction and equipment of ships, and are not supplied by the American manufacturer, ought to be lightly taxed.

2. The case of foreign vessels employed in bringing to the United States goods that are not the growth or manufacture of the country to which the vessels belong, may furnish a proper field for legislative regulations.

3. The case of goods imported from countries which, by law, confine the carriage of such goods to their own vessels, respectively, will also furnish a proper field for similar regulations.

The principles involved in the proposition for a new tariff, in relation to the protection of domestic manufactures, being thus presented for consideration, the more general principles of the system remain to be briefly stated, in relation to the production of the revenue. Thus:

1. Articles intended as the source of revenue should never be so heavily charged with duties as to prevent importation, or much to diminish it.

2. Articles should never be so heavily charged with duties as to create a temptation to smuggle.

3. Articles of great size and weight, of comparatively small value, are difficult to be smuggled; and, other things being equal, they may be charged with higher duties.

4. Articles of small size and great value are easily smuggled, and must be charged with low duties, to destroy the otherwise fatal temptation to evade the law.

5. Articles imported to a great amount should rather be charged with specific duties upon their weight and measure, in order to guard against

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evasions and frauds, than with ad valorem duties on their value.

The difficulty of carrying the last mentioned rule into practice has been found almost insurmountable. It has been already intimated that, in the classification of manufactures, there were several articles, differently classed, which can scarcely be distinguished from each other, and which could not be separately described with such distinctness and precision as is requisite in a tariff to mark the line of discrimination for different rates of specific duties. In the cotton and woollen manufactures of the United States, for instance, there are several kinds of goods extensively produced, whose names are arbitrary, and continually changing, and whose texture and quality are so various, and so easily altered or disguised, as to elude the vigilance and skill of the custom-house. For this reason, and considering, also, that the ascertainment of duties by the original cost of the goods, according to their weight and measure, is sometimes a source of vexation to the importer, leading, perhaps, to great corruption in the execution of the law, the precedent of the existing tariff has been generally pursued, which subjects all goods, (for example, all cotton and woollen goods,) whether fine or coarse, and whether they are, or are not, of the kinds manufactured in the United States, to one common rate of duty. A general description designates the article, renders the imposition of the duty uniform and certain at all ports of entry, and effectually guards against mistake or evasion.

Upon the principles and with the views, thus stated, the proposition for the new tariff has been formed. The variations from the tariff of permanent single duties consist principally in the following points:

1. The rates of the duties ad valorem are changed in number from three to eight. The increase of the number will not, it is thought, be attended with any disadvantage, and it will, at least, afford a better means of ascertaining, hereafter, the value of articles of different descriptions which are now blended in one class, as well as the amount of the duties collected from each description. The amount of the rates of duties ad valorem is also changed from $12\frac{1}{2}$, 15, and 20 per cent. to $7\frac{1}{2}$, 15, 20, 22, 28, 30, $33\frac{1}{2}$, and 35 per cent.

2. The rates of the specific duties are generally increased upon the amount of the permanent single rates, averaging, with the increase of the rates of duties ad valorem, an aggregate of about 42 per cent. upon the aggregate product of the customs, estimated at about \$12,000,000 per annum.

3. The following articles, heretofore free, are charged with duties, to wit:

Alum, per cwt.	- - - - -	\$2 00
Copperas, per cwt.	- - - - -	1 50
Copper, in sheets, rods, bolts, or nails, per pound	- - - - -	04
Gum Arabic, and gum Senegal, ad valorem,		$7\frac{1}{2}$ per cent.

Mahogany, per cubic foot	- - - - -	12
Tin plates per box of 100 square feet	- - - - -	1 50
Woods for dyeing—		
Brazil, Braziletto, Camwood, per ton	- - - - -	6 00
Fustic, logwood, per ton	- - - - -	3 00
Nicaragua, per ton	- - - - -	8 00

Wire brass, ad valorem, 22 per cent.

4. The following articles, heretofore subject to an ad valorem duty, are charged with a specific duty, to wit:

Iron, in bars or bolts, per cwt. 75 and 150 cents.

5. The following articles, heretofore subject to specific duties, are charged with duties ad valorem; because the product of the specific duties has been so inconsiderable as to render it useless to distinguish them from the mass of articles charged with duties ad valorem, to wit:

Woollen or cotton cards, former duty per dozen	- - - - -	\$0 50
Glauber salts, former duty per cwt.	- - - - -	2 00
Hair powder former duty per lb.	- - - - -	04
Lime, former duty per cask of 60 gallons	- - - - -	50
Malt, former duty per bushel	- - - - -	10
Ochre, yellow, dry, former duty per lb.	- - - - -	01
Ochre, in oil, former duty per lb.	- - - - -	01½
Pewter, plates and dishes, former duty per lb.	- - - - -	04
Starch, former duty per lb.	- - - - -	03
Spanish brown, former duty per lb.	- - - - -	01
Quicksilver, former duty per lb.	- - - - -	06

3. *The means of enforcing the tariff.*

The means of enforcing the collection of the duties on imports, or, in other words, the means of preventing or detecting frauds upon the revenue, require a prompt, energetic, and steady attention. The remedies to be provided for the existing defects should be particularly applied: 1st. To guard against smuggling, by the clandestine introduction of merchandise, without report, entry, or permit; 2d. To guard against smuggling, in the case of duties ad valorem, by fraudulent entries of merchandise upon fictitious invoices; 3d. To guard against smuggling, in the case of specific duties, by fraudulent entries of merchandise upon false statements of the weight, or the measure; and, 4th. To guard against smuggling, by clandestinely relanding merchandise exported with the benefit of drawback, or by fraudulently obtaining debentures for duties on merchandise exported in cases that are not entitled to the benefit. The details necessary to give effect to a system embracing these objects must unavoidably be postponed until the sense of Congress shall be ascertained; but it is proper, at this time, to bring distinctly into view the essential features of the system. In addition, therefore, to the provisions contained in the laws which now regulate the collection of duties on imports and tonnage, the following propositions are respectfully suggested:

1. That a competent judicial authority be provided to take cognizance of all suits, prosecutions, informations, and libels, for debts, fines, penalties, and forfeitures, arising and accruing under the laws of the United States; a provis-

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ion rendered indispensable by late decisions of some of the State courts declining such cognizance, in certain cases.

2. That a more competent provision be made for the employment of custom-house officers, cutters, and barges.

3. That an adequate fund be created and set apart for the creation of custom-houses, warehouses, and stores, at the principal ports of entry; a fund to be created, first, by retaining an additional amount of the duties, in cases of exportation for the benefit of drawback; and, secondly, by imposing a small duty, to be called "warehouse money," upon every permit for unloading merchandise.

4. That provision be made to enforce more effectually the duty of reporting and entering vessels, and exhibiting manifests of their cargoes, upon their arrival in any port of the United States; and to abolish the privilege of making port entries.

5. That provision be made to guard more effectually against imposition, under pretence that vessels arrive in distress, that goods are damaged, and that invoices are lost.

6. That provision be made to place all the avenues to the cargoes of the vessels, before unloading, under the seal of the custom-house, and to keep the same more effectually in the charge of the inspectors while unloading.

7. That provision be made that all invoices upon which entries may be effected, shall be endorsed by the American Consul, by a notary public, or by some other trustworthy agent or officer, to be designated, by law, at the place of exportation, certifying the merchandise to be priced "at the then current market price;" that entries shall only be permitted upon invoices so endorsed; and that the invoices shall be conspicuously stamped with the seal of the custom-house at the time of entry.

8. That provision be made authorizing the collectors, in all cases of suspicion, to add to the invoice price of the merchandise ten per cent. beyond the addition now prescribed; and, if the importer refuse to pay duties on that amount, then either to take the merchandise on account of the United States, at the additional price, or to permit an entry upon the original invoice.

9. That provision be made that in all cases the custom-house officers shall send merchandise imported to the public stores for examination; and that they shall be there compared with the invoice, identified as to the kind and quality, ascertained as to the weight and measure, and estimated as to the value.

10. That provision be made requiring from the person who offers to enter merchandise, a declaration whether he acts as owner, consignee, or agent, and whether he has been instructed, after entry, to hold the merchandise to the order of the shipper; in which last mentioned case, the collector may be authorized to suspend the entry, until the shipper, or the person having an order from him, appears to make it.

11. That provision be made requiring the seal

of the custom-house to be stamped upon all the original packages, &c., of merchandise entered for exportation, with the benefit of drawback, which shall remain entire at the time of exportation, and which shall be certified by the Consul, or other proper person, to remain entire at the foreign place of landing, in order to discharge the debenture bond.

12. That provision be made more effectually to secure the revenue from fraud and imposition, in the transportation of merchandise from district to district, and generally in carrying on the coasting trade.

13. That provision be made more effectually to secure the revenue from fraud and imposition, in making out invoices in the money of foreign countries, particularly of such countries as employ a paper currency.

But, while these suggestions are offered to guard the collection of the revenue, and to secure to the manufacturer the full benefit of the protecting duties, it must be recollected that there are some provisions in the existing laws which require to be modified in behalf of the merchant. For instance:

1. The time allowed by law to complete the export entries, for the benefit of drawback, is only ten days; and, if not completed within that time, the whole amount of the drawback is forfeited. The period should be extended, and the penalty for non-compliance should be reduced.

2. The right to export merchandise, with the benefit of drawback, ceases at the expiration of a year. The period might, without injury to the revenue, be enlarged.

3. The period allowed for making a return of damaged goods, with a view to a correspondent abatement of the duties, is limited to ten days; and the importer is sometimes charged with the whole duties on perishable articles, under the present restrictions, after the articles have perished, or are greatly decayed. A discretion should be confided to the proper officer, to make a proper abatement of the duties in both cases, upon satisfactory proof of their existence.

III. *A general tariff proposed for the consideration of Congress.*

Upon the policy and principles which have been stated, the following tariff, in reference to duties, drawbacks, and bounties, has been formed:

TARIFF.

1st. *A schedule of the articles to be imported into the United States free of duty.*

All articles imported for the use of the United States; philosophical apparatus, instruments, or books, specially imported for the use of any incorporated society, for philosophical or literary purposes, and for the use of any seminary of learning; specimens in natural history, mineralogy, botany, and anatomical preparations, models of machinery, and other inventions; wearing apparel, and other personal baggage in actual use; and the implements, or tools of trade, of persons arriving in the United States; regulus

Tariff of Duties on Imports.

of antimony; bark of the cork tree unmanufactured; animals imported for breed; burr stones, unwrought; bullion; clay, unwrought; copper imported in any shape for the use of the Mint; copper and brass, in pigs or bars; tin, in pigs or bars; old copper and brass, and old pewter; furs, undressed, of all kinds; raw hides and skins; lapis calaminaris; plaster of Paris; rags, of any kind of cloth; wool, and wood, unmanufactured, except mahogany and dye-wood; zinc, tutenague, or spelter; olive oil, in casks, to be used in manufactures.

2d. A schedule of articles to be charged with duties ad valorem.

At seven and a half per centum.—Dying drugs, and materials for composing them, not subject to other rates of duty; gum arabic; gum senegal.

Jewelry; gold and silver watches and clocks, or parts of either, and of the frames of clocks, of whatever materials made; gold and silver lace; embroidery and epaulettes; precious stones, and pearls of all kinds, set or not set; Bristol stones or paste work; and all articles composed chiefly of gold, silver, pearl, and precious stones.

Laces of thread, silk, or cotton.

At fifteen per centum.—All articles not free, and not subject to any other rate of duty.

At twenty per centum.—Linen of all descriptions, linen cambrics, lawns; hempen cloth, sail-cloth, Russian and German linens; stockings and gloves of thread or silk; silks, satins, and all articles of which silk is the material of chief value.

At twenty-two per centum.—All articles manufactured from brass, copper, iron, steel, pewter, lead or tin, or of which these metals, or either of them, is the material of chief value; brass and iron wire; cutlery, pins, needles, buttons, and buckles of all kinds; gilt, plated, and japanned wares of all kinds; cannon, muskets, fire arms, and side arms.

At twenty-eight per centum.—Woollen manufactures of all descriptions, and of which wool is the material of chief value.

At thirty per centum.—China ware, earthen ware, stone ware, porcelain and glass manufacture; bonnets and caps for women, fans, feathers, ornaments for head dresses, artificial flowers, millinery of all sorts; hats or caps of wool, fur, leather, chip, straw, or silk; cosmetics, washes, balsams, perfumes; painted floor cloths, mats of grass or flags; salad oils, pickles, capers, olives, mustard, comfits or sweetmeats preserved in sugar or brandy, wafers.

At thirty-three and one-third per centum.—Cotton manufactures of all descriptions, or of which cotton is the material of chief value; provided that all cotton cloths, or cloths of which cotton is the chief material of value, (excepting nankeens imported directly from China,) the original cost of which, at the place whence imported, shall be less than twenty-five cents per square yard, shall be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly.

At thirty-five per centum.—Cabinet wares, and

all manufactures of wood; carriages of all descriptions, and parts thereof; leather, and all manufactures of leather, or of which leather is the material of chief value; saddles, bridles, harness; paper of every description; paper hangings, blank books, pasteboard, parchment, vellum, printed books, brushes, canes, walking sticks, whips; printing types; clothing ready made.

3d. A schedule of articles to be charged with specific duties.

Ale, beer, and porter, bottles, per gal.	-	-	\$0 20
imported otherwise than in bottles, per gal.	-	-	10
Alum, per cwt.	-	-	2 00
Almonds per lb.	-	-	3
Bottles, black glass quart, per gross	-	-	1 44
Boots, per pair	-	-	2 00
Bristles, per lb.	-	-	3
Playing cards, per pack	-	-	30
Cables and cordage, tarred, per lb.	-	-	3
Cables untarred, yarns, twine, pack-thread, seines, per lb.	-	-	4
Candles of tallow, per lb.	-	-	3
Candles of wax or spermaceti, per lb.	-	-	4
Chinese cassia, per lb.	-	-	6
Cinnamon, per lb.	-	-	25
Cloves, per lb.	-	-	25
Cheese, per lb.	-	-	9
Chocolate, per lb.	-	-	9
Cocoa, per lb.	-	-	6
Coal, per bushel	-	-	8
Copperas, per cwt.	-	-	1 50
Copper, in sheets, rods, bolts, or nails, composition spikes, bolts, or nails, per lb.	-	-	4
Coffee, per lb.	-	-	6
Cotton, per lb.	-	-	3
Currants, per lb.	-	-	3
Figs, per lb.	-	-	3
Fish, foreign caught, per quintal	-	-	1 00
mackerel, per bbl.	-	-	1 50
salmon, per bbl.	-	-	2 00
all other pickled, per bbl.	-	-	1 00
Glass, window, not above 8 by 10 in. per 100 sq. ft.	-	-	2 50
not above 10 by 12 inches, per 100 sq. ft.	-	-	2 75
above 10 by 12, per 100 sq. ft.	-	-	3 25
Glue, per lb.	-	-	5
Gunpowder, per lb.	-	-	6
Hemp, per cwt.	-	-	1 50
Iron, in bars, or bolts, excepting rolled iron, per cwt.	-	-	0 75
in sheets, rods, or hoops, rolled iron in bars, or bolts, and anchors, per cwt.	-	-	1 50
Indigo, per lb.	-	-	15
Lead, in pigs, bars or sheets, per lb.	-	-	1
red or white, dry or ground in oil, per lb.	-	-	3
Mahogany, per cubic ft.	-	-	12
Mace, per lb.	-	-	1 00
Molasses, per gal.	-	-	5
Nails, per lb.	-	-	3
Nutmegs, per lb.	-	-	60
Pepper, per lb.	-	-	8
Pimento, per lb.	-	-	6
Plums and prunes, per lb.	-	-	3
Raisins in jars and boxes, and muscatel, per lb.	-	-	3
all other, per lb.	-	-	2
Salt, per bushel of 56 lbs.	-	-	20
Steel, per cwt.	-	-	1 00
Segars, per M.	-	-	2 50

Tariff of Duties on Imports.

Spirits from grain, to wit:	
1st proof, per gal.	\$0 42
2d proof, per gal.	45
3d proof, per gal.	48
4th proof, per gal.	52
5th proof, per gal.	60
above 5th proof per gal.	75
From other materials, to wit:	
1st and 2d proof, per gal.	38
3d proof, per gal.	42
4th proof, per gal.	48
5th proof, per gal.	57
above 5th proof, per gal.	70
Shoes and slippers of silk, per pair	40
of leather, per pair	30
for children, per pair	20
Spikes, per lb.	2
Soap, per lb.	3
Sugar, brown, per lb.	2½
white clayed, or powdered, per lb.	4
lump, per lb.	9
loaf, per lb.	12
candy, per lb.	12
Snuff, per lb.	12
Tallow, per lb.	1
Tea, from China direct, to wit:	
Bohea, per lb.	10
Souchong, and other black, per lb.	25
Imperial, gunpowder, and gomee, per lb.	50
Hyson and young hyson, per lb.	40
Hyson skin, and other green, per lb.	28
From any other place to wit:	
Bohea, per lb.	14
Souchong, and other black, per lb.	34
Imperial, gunpowder, and gomee, per lb.	68
Hyson and young hyson, per lb.	56
Hyson skin, and other green, per lb.	38
Tin plates, per box of 100 square feet	1 50
Tobacco, manufactured, other than snuff and segars, per lb.	10
Woods, dying, viz:	
Brazil wood, brazilletto, red wood, or camwood, per ton	6 00
Fustic and logwood, per ton	3 00
Nicaragua, per ton	8 00
Whiting, per lb.	1
Umbrellas or parasols of silk, each	2 00
of other materials, each	1 00
Frames or sticks for umbrellas or parasols, each	75
Wine, to wit:	
Malmsey Madeira, and London particular, per gal.	1 00
other Madeira, per gal.	80
Burgundy, Champagne, Rhenish and Tokay per gal.	75
Sherry and St. Lucar, per gal.	60
Claret and other wines not enumerated, when imported in bottles or cases, per gal.	70
Lisbon, Oporto, and other wines of Portugal and Sicily, per gal.	50
Teneriffe, Fayal, and other wines of the western islands, per gal.	40
All other wines when imported otherwise than in case and bottle, per gal.	25

Alien duty.

There shall be charged an additional duty of twelve and a half per cent. upon all goods imported in vessels not of the United States, with the exception of goods imported in foreign ves-

sels, which are specially entitled by treaty, or acts of Congress, to be entered upon payment of the domestic duty.

The additional alien duty of twelve and a half per cent. shall not be the subject of drawback in cases of exportation.

Tonnage duty and light money.

Ships or vessels of the United States, entered from any foreign port or place, or carrying goods from one district to another district, shall pay per ton - 8 cents.

Ships or vessels built within the United States, but belonging wholly or in part to the subjects of foreign Powers, entering from a foreign port or place, shall pay per ton - 30 "

Ships or vessels, of every other description, entering from a foreign place or port, or carrying goods from one district to another within the United States, shall pay per ton - 50 "

Ships or vessels not of the United States, or not wholly owned by American citizens, entering the ports of the United States, shall pay for "light money" per ton - 50 "

But the additional duty upon tonnage, and the light money imposed upon foreign vessels, are not to be exacted in the case of foreign vessels specially entitled by treaty or acts of Congress to an entry upon domestic duties and charges only.

Warehouse money.

To constitute a fund for erecting and maintaining custom-houses, warehouses, and stores,

1. There should be paid for every permit to unlade goods, twenty-five cents.

2. There shall be retained upon the amount of the duties of goods exported, for the benefit of drawbacks, (except spirits,) five per cent.

3. There shall be retained in the case of spirits exported, for the benefit of drawback, two cents per gallon, and also three per cent. on the amount of the duties.

A separate account shall be kept at the custom-house of the money collected for this fund; and the amount shall be expended, from time to time, under such directions as the President of the United States shall approve and authorize.

Drawbacks and bounties.

There shall be allowed a drawback of the duties on goods imported into the United States, if the goods be exported within twelve months after the time of importation, subject to the following exceptions and provisions:

1. There shall not be an allowance of drawback in the case of goods imported in foreign vessels from any of the dominions or colonies of any foreign Power to which the vessels of the United States are not permitted to trade.

2. There shall not be an allowance of drawback for the additional duty of twelve and a half per cent. imposed on goods imported in vessels not of the United States.

Tariff of Duties on Imports.

3. There shall not be an allowance of drawback in the case of foreign dried and pickled fish and other salted provisions, fish oil, or playing cards.

4. There shall be retained upon the amount of the duties of goods exported for the benefit of drawback, (except spirits,) five per cent.

5. There shall be retained in the case of spirits exported, for the benefit of drawback, two cents per gallon, and also three per cent. on the amount of the duties.

6. The present bounties, allowances, and drawbacks, shall be continued in the case of exporting pickled fish, of the fisheries of the United States; in the case of American vessels employed in the fisheries; and in the case of exporting sugar refined within the United States.

These provisions respecting drawbacks must, however, be conformed to the privileges specially allowed to foreigners by treaty, or by acts of Congress.

It only remains, in the performance of the task

prescribed by the House of Representatives, to give a succinct statement of the probable product of the duties upon imports, according to the proposed tariff.

The annual product of the single duties has been estimated at \$12,000,000; and of this sum, the specific duties produced about - \$7,200,000

The duties *ad valorem* produced about 4,800,000

12,000,000

But the amount proposed to be raised by the new tariff being - - - 17,000,000

Such additions must be made to the old tariff as will produce - - \$5,000,000

The additions to the old tariff are made, first upon the specific duties; and, secondly, upon the duties *ad valorem*; and the estimated amount of the additions may be thus stated:

First. Of the additions to the specific duties.

Principal articles.	Former duty.	Proposed duty.	Former average product.	Estimated'd product of additional duty.
Coffee - - - -	5 cents -	6 cents - - - -	\$627,000	\$120,000
Hemp - - - -	100 cents -	150 cents - - - -	108,000	50,000
Pepper - - - -	6 cents -	8 cents - - - -	36,000	12,000
Spirits - - - -	Sundry rates -	Average increase of 50 per cent.	1,993,000	300,000
Sugar, white, clayed, &c. -	3 cents -	4 cents - - - -	195,000	60,000
Teas - - - -	Sundry rates -	Average increase of 33½ per cent.	760,000	250,000
Wines - - - -	Sundry rates -	Average increase of 60 per cent.	600,000	350,000
Sundry small articles -	- - - -	- - - -	-	say 58,000
Total additional amount estimated to be derived from specific duties - -	- - - -	- - - -	-	\$1,200,000

Second. Of the additions to the duties ad valorem.

Principal articles.	Former rate of duty.	Proposed rate of duty.	Proposed increase of the former rate.
All articles not free and not subjected to any other rate of duty - - - -	12½ per cent. -	15 per cent. -	20 per cent.
Linen, hempen cloths, silks, satins - -	12½ per cent. -	20 per cent. -	60 per cent.
Hardware, cutlery, arms, and manufactures of metals - - - -	12½ and 15 per ct. -	22 per cent. -	46½ and 76 per cent.
Woollens - - - -	12½ per cent. -	28 per cent. -	124 per cent.
Cottons - - - -	12½ per cent. -	33½ per cent. -	166½ per cent.
Porcelain, earthenware, hats, bonnets, perfumery, floor cloths, pickles, comfits -	15 per cent. -	30 per cent. -	100 per cent.
Glass, other than window glass - -	20 per cent. -	30 per cent. -	50 per cent.
Brushes, canes, whips, clothing ready made - - - -	12½ per cent. -	35 per cent. -	180 per cent.
Paper, cabinet wares, leather and its manufactures - - - -	15 per cent. -	35 per cent. -	133½ per cent.
Carriages - - - -	20 per cent. -	35 per cent. -	75 per cent.

Report on the Public Debt.

It is not practicable to ascertain the amount of revenue heretofore produced by each of the classes of goods specified in the last table; but it is sufficiently known that some of them produced little, while the product of others was proportionably great. Taking the whole, however, together, it is estimated that the proposed increase of duty is equal to one hundred per cent. upon the aggregate amount of the former *ad valorem* duties. But the effects to be expected from the increased duties on woollen and cotton goods, from the diminution of the alien duties under treaties or acts of Congress, and from other considerations involved in the new system, will not permit a higher estimate of the aggregate product of the increased rates of the *ad valorem* duties than the rate of seventy-five or eighty per cent. upon the former product.

Assuming, then, an advance of eighty per cent. upon \$4,800,000, (the aggregate product of the duties *ad valorem*, as above stated,) the sum will be - - - - - \$3,840,000

And adding to this sum the amount produced as above stated by the increase of the specific duties - - - 1,200,000

There will be produced, to complete the amount of additional revenue required, a sum of - - - - - \$5,040,000

All which is respectfully submitted.

A. J. DALLAS,
Secretary of the Treasury.

TREASURY DEPARTMENT,
February 12, 1816.

[The tabular statements are omitted.]

PUBLIC DEBT.

[COMMUNICATED TO THE HOUSE, MARCH 2, 1816.]

Treasury Department, February 28, 1816.

In obedience to the resolution of the 12th of February, 1816, inquiring "what additions, if any, have been made to the funded public debt, and to the floating public debt, since the 30th day of September last," the Secretary of the Treasury has the honor to lay before the House of Representatives the following report:

- I. That, by the annual report upon the state of the finances of the United States, presented on the 6th December, 1816, it appears that the balance of the whole of the public funded debt, contracted before the war, amounted, on the 30th of September, 1815, to the sum of - - - \$39,135,484 96
- That, on the 1st of January, 1816, there was reimbursed of the principal of that debt (besides the payment of the interest) the sum of - - - 799,652 38
- And that, at this time, the balance of the whole of the public debt contracted before the war amounts to the sum of - - - - - 38,335,832 58

- II. That, by the annual report, it also appears, that the estimated amount of the whole of funded public debt, in reference to the late war, was, on the 30th of September, 1815, the sum of - - - - - \$63,144,972 50

That, to this amount, there have been added the following items, since the 30th of September, 1815:

1. In six per cent. stock of 1814, at the rate of \$100 in stock for \$80 in money, to pay the city of Charleston, according to the contract, for a loan made during the late war - - - - - \$204,889 23.
2. In six per cent. stock of 1814, in lieu of Treasury notes funded at ninety-five per cent., and which so far operates to reduce the amount of the floating debt due on the 30th of September, 1815 - - - 2,206,954 21
3. In six per cent. stock, in lieu of Treasury notes funded at par, and which so far operates to reduce the amount of the floating debt due on the 30th September, 1815 - - - 2,057 00
4. In seven per cent stock, in lieu of small Treasury notes funded at par, estimated at - - - - - 2,815,871 00

Amount of the addition, since the 30th of September, 1815, to the public funded debt contracted in reference to the war - - - - - 5,229,772 44

Estimated amount of the whole of the public funded debt on the 12th of February, 1816, contracted in reference to the late war - - - - - \$68,374,764 94

- III. That by the annual report, it also appears that the amount of the floating public debt on the 30th of September, 1815, was - - - - - \$17,355,101 00

Report on the Public Debt.

To this sum there have been added, between the 30th of September, 1815, and 12th of February, 1816, the following items:

1. There have been issued and reissued small Treasury notes, amounting, as is estimated, to the sum of - - - - -	\$3,471,537 00	
2. There have been issued Treasury notes bearing interest at five and two-fifths per cent., the sum of - - - - -	2,704,600 00	6,176,137 00
3. There have been obtained temporary loans from sundry banks in the District of Columbia, under the act of the 13th of February, 1815, providing for the reconstruction of the public buildings at Washington - - - - -	100,000 00	\$23,631,238 00

But the floating debt has been diminished during the same period in the following manner:

1. By the subscription of Treasury notes to the six per cent. loan, as above stated, at the rate of \$100 in stock for \$95 in principal and interest of Treasury notes. Stock having been issued to the amount of \$2,206,955 21, produced a reimbursement of Treasury notes amounting to - - - - -	\$2,096,607 53	
But of this sum there was included an estimate, in the sum of \$4,315,000, stated as thus reimbursed in the annual report, the sum of \$1,153,412 94, contracts for sundry sums uncertain in their amount, having been made, but not completed at that time, and which, therefore, is now deducted - - - - -	1,153,412 94	
	\$943,194 59	
2. By funding Treasury notes at par for six per cent. stock, as above stated - - - - -	\$2,057 00	
3. By funding small Treasury notes for seven per cent. stock, as above stated - - - - -	2,815,871 00	
4. By the payment in Treasury notes of duties and taxes, estimated to have amounted, in Treasury notes bearing interest, to the sum of - - - - -	\$2,650,000	
In small Treasury notes, to the sum of - - - - -	50,000	2,700,000 00
5. By the repayment of temporary loans, viz: To the Bank of the State of South Carolina - - - - -	50,000	
To the Mechanics' Bank, New York - - - - -	200,000	250,000 00
		6,711,122 59

Estimated amount of the whole of the floating debt, on the 12th of February, 1816 \$16,920,115 41

IV. That, from the preceding estimates, it appears that, on the 12th of Feb'y, 1816, the aggregate amount of the public debt was the sum of \$123,630,692 93, consisting of the following items:

1. Funded public debt before the war - - - - -	\$38,335,832 58
2. Funded public debt contracted since the war - - - - -	68,374,744 94
3. Floating public debt outstanding - - - - -	16,920,115 41
	<u>\$123,630,692 93</u>

That the aggregate amount of the public debt on the 30th September, 1815, was the sum of - - - - - 119,635,558 46

And that the aggregate addition since 30th of September, 1815, is - - - - - \$3,995,134 47

All which is respectfully submitted.

A. J. DALLAS, *Secretary of the Treasury.*

Protection to Manufacturers of Woollen Fabrics.

PROTECTION TO MANUFACTURERS OF WOOLLEN FABRICS.

[Communicated to the House, March 6, 1816.]

Mr. NEWTON, from the Committee of Commerce and Manufactures, to which were referred the memorials and petitions of the manufacturers of wool, submitted the following report:

The committee, having given this subject all the consideration that its importance merits, beg leave to present, with due respect to the House, the result of their investigations.

The correctness of the following estimate the committee are no way disposed to question:

Amount of capital supposed to be invested in buildings, machinery, &c.	- -	\$12,000,000
Value of raw material consumed annually	- -	\$7,000,000
Increase of value by manufacturing	- -	12,000,000
	<hr/>	
Value of woollen goods manufactured annually	- -	19,000,000
Number of persons employed	constantly 50,000 occasionally 50,000	
	<hr/>	100,000

The committee having in a report presented to the House on the 13th of February last, on the memorials and petitions of the manufacturers of cotton, expressed their opinion on the policy of fostering manufacturing establishments, consider themselves relieved from the necessity of repeating the same arguments. Every reason then urged for sustaining the cotton manufacturing establishments applies with equal force in favor of the woollen. The committee, influenced by the same reasons, feel themselves bound to accord the same justice to the manufacturers of wool.

The following resolution is, therefore, with due respect submitted to the House:

Resolved, That, from and after the 30th day June next, in lieu of the duties now authorized by law, there be laid, levied, and collected on woollen goods imported into the United States and Territories thereof, from any foreign country whatever, — per centum *ad valorem*.

*To the honorable the chairman and members of the
Committee of Commerce and Manufactures.*

GENTLEMEN : Being informed that you are preparing to submit to Congress a report on the subject of manufactures, as connected with the national prosperity of the country, we, the subscribers, respectfully submit the following remarks respecting the capital employed in the woollen business in the United States, the number of persons employed, the quantity of wool consumed, and the aggregate amount of all the woollen cloth now manufactured.

At this time there are in the State of Connecticut alone twenty-five establishments for the manufacture of woollen cloths, employing twelve hundred persons, and as many more indirectly who do not immediately appertain to the estab-

lishment. The capital already invested therein amounts to four hundred and fifty thousand dollars; and they are capable of making; and probably do manufacture annually, equal in amount to three hundred and seventy-five thousand yards of narrow, or one hundred and twenty-five thousand yards of broadcloths. Besides this quantity made at the establishments, it is calculated there are five hundred thousand yards made annually in families and dressed in the country clothiers' shops; part of which is regularly sold to the country stores; doing away, thus far, their former practice of supplying themselves with British goods of a similar description. The value of all the woollen cloths thus manufactured, at the lowest estimate, is about \$1,500,000, making a home market for a staple of nine hundred thousand pounds of wool, or the produce of four hundred thousand sheep. With regard to the whole quantity of woollen goods manufactured in the United States we cannot at present speak with precision; but, from the best information obtained there is at this time annually manufactured in all the States to the amount of \$19,000,000, requiring a capital, in buildings and machinery, of \$12,000,000, and employing fifty thousand persons immediately in the business, and as many more indirectly. With that encouragement which we deem it the policy of the Government to bestow on this branch of our industry, the quantity of woollens manufactured in this country would be doubled in four years, and nearly sufficient to supply the whole demand of the United States.

When it is considered that the woollen manufacture is now making a home market for an important staple of our country, equal in value to \$7,000,000; that the product of its industry, equal to \$19,000,000, is a great gain of national wealth, in giving employment to various kinds of labor, at the same time preventing foreigners from drawing great resources from us in the sale of their manufactures; that it produces an interest in the country that, under all circumstances, is an American interest; the policy of giving it the necessary support becomes obvious to every unprejudiced mind. At the same time that it is aiding and encouraging agriculture in consuming her productions, it is in no degree taking from her the labor necessary to carry on her operations. A great proportion of the woollen manufacture is done by the assistance of labor-saving machinery, which is almost exclusively superintended by women and children, and the infirm, who would otherwise be wholly destitute of employment; whereas they are now able to maintain themselves. The manual labor employed is of that class who, from their previous habits and occupations in life, are wholly unfitted for agricultural pursuits; and who, if not thus employed would, in most instances, be a burden on society. Among this description are to be numbered many valuable foreigners who are daily arriving among us in needy and indigent circumstances, and whose only employment has been in the manufacturing business at home. In the exchange between the different States of the manufactured goods, and

Protection to Manufacturers of Woollen Fabrics.

of the raw materials, and in the growing wants of many foreign articles, as dye stuffs, &c., the commerce of our country, particularly the coasting trade, is equally benefited with our agriculture.

If the woollen manufacture does not languish for want of necessary support from Government at this time, there cannot be a doubt but in the course of a very few years we shall be able to supply the whole demand of the United States, and at a lower rate than our manufacture can be imported from abroad. Great Britain excludes all woollen goods, nor suffers a yard of cloth to be exported except in a finished state. It is not now a question with her manufacturers who shall sell at highest prices, but, who can manufacture the cheapest; and this competition has enabled her to undersell all the nations in Europe. The same encouragement to the business in this country will produce a like competition, and enable us, eventually, to undersell her even in foreign markets. The amount of woollen cloths now imported into the United States is supposed to be about —.

The quantity now manufactured is about \$19,000,000 in value. It is a business susceptible of an increase of twenty-five or thirty per cent. annually; so that, in the course of five years at least, we may be able to clothe ourselves independent of any foreign nation, and give a new stimulus to agriculture which is now languishing from the necessity of depending upon a precarious foreign market for most of her important productions.

We remain, gentlemen, very respectfully, your obedient humble servants,

ARTHUR W. MAGILL,
WM. YOUNG.

My actual experience being principally in the cotton manufacture, my entire belief in the correctness of the preceding statement is founded on my knowledge of the gentlemen who have signed it; I, therefore, cheerfully add my name.

ISAAC BRIGGS.

SUMMARY.

Permanent capital in buildings and machinery	\$12,000,000
Annual value of raw material, manufactured	7,000,000
Value of cloths annually manufactured	19,000,000
Increase of value by manufacturing	12,000,000
Number of persons employed	
Directly	50,000
Incidentally	50,000
	100,000

This manufacture is capable of an increase in the ratio of twenty-five to thirty per cent. per annum.

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial and petition of the subscribers, manufacturers of woollen articles in the States of

New Jersey, Pennsylvania, and Delaware, on behalf of themselves and others engaged in similar manufactures in the said States, respectfully sheweth: That your memorialists are impelled by the situation of their manufacture, and the effects which may be produced upon it by the contemplated measures of Congress, respectfully, to offer their sentiments, and to point out those circumstances in which they conceive their interests and that of the public are so united as to merit the most serious attention of the National Legislature.

Your memorialists beg leave to remind Congress that, from the first settlement of the country, domestic manufactures have formed an important feature of its industry; these, founded on the genius of its inhabitants, and the arts they brought or have acquired from Europe, have introduced and established many of the most useful manufactures, among which none is more conspicuous than that of woollen; this has not only increased as fast as the agriculture of the country supplied the raw material, but whenever any circumstances have given it further encouragement, it has shown itself sufficiently founded in the wants and ability of the country to go beyond this, and to rise in a very material degree to its support. Such was the case during the stamp act and the Revolutionary war, when the woollen manufacture became greatly extended; but the raw material, the population and general ability of the country were then all too feeble to give it a decided permanent establishment, so that, upon the renewal of intercourse with foreign nations, it sunk again under a competition with their manufactures, until within the last five years, when many circumstances have arisen, and particularly two, viz: the introduction of sheep, and the separation from Europe by the war, which have given to the manufacture such a basis, that its complete establishment in the country is no longer doubtful.

The introduction of sheep, and particularly of the merino breed, gave to the country at once an agricultural object, which every State in Europe had been striving to realize, but without an immediate demand for the wool it would not have been realized here, at least at the time and to the extent which has been done, for while it furnished the raw material, it was the immediate manufacture which afforded the price and demand for that material, and occasioned its present extension and establishments.

It is notorious that, during the period referred to, a great number of the citizens of these States have devoted themselves both to the breed of sheep, and the woollen manufactures; that vast capitals have been expended, and large establishments every where diffused through the States, which have supplied the public wants, and shown themselves capable of great future extension, so that altogether a national object has been erected, uniting the features of agriculture and commerce in so eminent a degree as conspicuously to demand the attention of the Government in all those acts which are directed to its national economy.

Protection to Manufacturers of Woollen Fabrics.

Your memorialists beg leave to state that, upon the introduction of the merino breed of sheep, the prices which the manufacturers afforded for their wool were high beyond that of every other country; so that the encouragement it received was precisely such as the infant arts almost always require on their introduction, and other countries have been obliged to give by legislative provision: accordingly, the breed of sheep has been permanently fixed and diffused over the soil of the United States without any other aid. At present the prices which the manufacturers allow are still higher than those abroad, although wool is now much dearer in Europe than the usual level of peace prices, chiefly owing to the demand for manufactures to be sent here.

It is thus that the import of our clothing operates with the double disadvantage: first, of keeping up the raw material of Europe by manufacturing it for our use; and, secondly, depressing that material here by impairing the manufactures of our own; in both cases the agricultural object is effected through the manufacture, and in the proportion as that is encouraged abroad, so both are depressed at home.

It is vain to pretend that the breed of sheep can be maintained in these States by an export of the wool; even the present prices in Europe will not admit of it; and if they decline, as they unquestionably will, under a peace establishment, it is out of the question. In the year 1800 the average price of British wool was less than twenty cents per pound, which, after the expense of export, could in no way support the growth of it here; at this moment the prices of wool are higher here than abroad, and, if the manufacture is supported, they will probably always remain so, since the charges of export and import give them a material support. Besides this, it is by manufactures actually existing on the spot where the wool is grown, that it receives its surest encouragement. These furnish an immediate market, and teach the agriculturist all the improvements in quality, by which excellence is obtained; of this the whole history of the material furnishes a proof. It was by the refined manufactures of the Arabs in Spain, that the fleeces of that country received those improvements, which the laws of the Mesta now barely support; and the present variety and goodness of the British wool has been obtained by its manufactures. No doubt, therefore, can exist as to the fact that it is through the medium of the manufacture that the growth of the wool can be improved, or even maintained, in these States.

Our manufacturers have already furnished a large quantity of superfine cloths, of coarse cloths, and many new articles peculiarly suited to our climate. In their infancy they could scarcely be expected to furnish all that the country demanded, or to obtain the perfect excellence of nations who had manufactured them for ages. But it is notorious, that the quantity was rapidly becoming sufficient for our consumption, and that a large proportion of our cloths were equal to the best in Europe. What deficiencies existed would have

soon yielded to existing skill; and one object was obtained with certainty, viz: that of giving the country a large amount of substantial clothing, with every moderate degree of excellence, and inferior only to articles of refined luxury.

On this head your memorialists beg leave to remark that, although the importation of foreign manufactures comprises a great number of most useful articles essential to the wants of the country, yet a large proportion of it consists of those which are more alluring by their fashion than their use. The wealth of Europe encourages these at home, and a constant supply of them is required by its luxury and the state of its arts, which are better rewarded by these refined inventions than the more useful ones. Here, without railing against the introduction of elegance, and even a moderate degree of luxury itself, it is certain that our own manufactures are depreciated more by the novelty and fashion of foreign articles than by those which are the most useful; and that a very great proportion of our wealth goes abroad for the allurements which foreigners present to us. While, therefore, we can supply ourselves with articles sufficient for every moderate degree of gratification, it is consistent with the practice of the wisest nations, and the soundest principles of political economy, that they should be encouraged; and that foreign articles which interfere with them should be made the objects of revenue by Government, which those who use them ought to pay.

Almost every nation has now adopted the system of making its revenue laws the organ of protection to its arts; and this system having been already used in these States, a universal conviction prevails that Congress will make it one of the bases of the new tariff of duties. Your memorialists are, therefore, impressed with the belief that it must be desirable to Congress to obtain correct information of what precise duties the interests of the manufacturers demand, and it is their sincere desire to furnish such information as to that in which they are engaged.

Upon this head your memorialists beg leave to remark that they do not wish for a rate of duties which may injure any other department of industry, or give an excessive encouragement to their own; their sole object is such as will prevent their individual ruin, and maintain the manufacturing establishments of the country. It is certain that a considerable duty is necessary for this purpose, and there are some circumstances which may enable us to fix it with tolerable precision. Under the old duties, previous to the war, there was not encouragement enough to introduce the woollen manufacture, so that it appears certain that these duties would not now maintain it. Under the present duties it has languished, and in a considerable degree declined since the peace; yet there is reason to hope that when the shock first given by foreign import subsidies, they may be maintained with a moderate, though certainly not with a great profit to the manufacturer. There are two circumstances which prevent a more precise opinion on this

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subject; first, the almost certain decline of the prices abroad; and the next, the excessive importation of the present year, which has lowered prices here beyond their fair or accurate value. The last of these is accidental, though it may often occur again, and the best checks for it exists in considerable duties. Of the former, the extent cannot yet be ascertained; it is certain, however, that future improvement in the state of the manufacture here is less to be looked for than discouragement; so that, without any speculative calculations upon what may occur, but taking what we know as our guide, it seems certain that the present duties may maintain the manufactures of the country, but that unquestionably nothing less will do it.

Your memorialists might urge a great number of facts and further reasoning to show the propriety of fixing the duties at the rate they have mentioned, or even higher, but they are not desirous unnecessarily to swell this memorial into a trespass upon the attention of Congress. It appears proper, however, that, in expressing their sentiments as to their own manufacture, they should also express those they feel for others, and particularly the two great objects of agriculture and commerce. It is certain that all the three great divisions of labor ought to receive the patronage and support they require without partiality, and they trust the wisdom of Congress will always afford it when necessary.

Your memorialists, however, cannot but remark that the agriculture and commerce of these States already rest upon a basis which does not appear easily impaired; the agriculture, directed to objects in universal demand for the most necessary wants of mankind, derives from these wants the surest support, and whenever the introduction of new objects of cultivation, or the support of the old require legislative aid, they ought, and will, doubtless, receive it; in the same manner the carriage of our vast produce gives a support to our commerce equally permanent. The two united afford a solid aid to each other; the agriculture by furnishing the means, and commerce, by exploring the sources of supply. It is thus that both possess a foundation which, aided by a just protection of our rights, and by those favorable regulations which it has always been the object of Congress to make, presents at once a stimulus and support to the existing agriculture of our country which will extend it over all our soil.

But manufactures advance with a feebler step; those which are matured to the highest excellence often depend, in their infancy, upon individual exertion, and they have a peculiar species of competitors in the population, the skill, and long experience of other nations, above all, in the jealousy with which each nation watches its own arts; their whole history, therefore, is a record that, in the introduction of them into any nation, there is a period when public aid is essential, and that they cannot be introduced without it. In every State they furnish the greatest resources of commerce, as may be seen by the vast carriage

required by manufactured articles. This sort of aid has already been given to the commerce of the United States by their manufactures: a great portion of our agricultural produce is already doubled in value before it leaves us, and is carried to other nations in a shape which still more enhances it. Our flour, for instance, would not be applied to the supply of many countries without manufacture, and the produce of our minerals and forests requires this sort of conversion, often, to give them value at all; but, beyond the resource thus furnished to commerce, the supply of our wants at home, and the independence of the country are objects of still greater importance. In this way our wealth is increased by saving it, the genius of our citizens awakened, their industry rewarded, and the value of every portion of labor enhanced at home, instead of encouraging the agriculture, commerce, and manufacturing skill of other nations.

Your memorialists feel no doubt that the applications of other manufacturers will receive the same attention from Congress as their own, and especially that of the cotton manufacturers; leaving these, then, to what they can urge with more propriety for themselves, they cannot but remark that the cotton manufacture bids fair to supply so large a portion of our clothing, as to free that of wool from the fears which might be entertained as to its inability to furnish a sufficient supply for the country. It is certain that our resources for the cotton manufacture are unbounded, and that, in our climate, it will furnish a vast portion of our clothing; the extension of the growth of wool and its manufacture, therefore, are such as to leave no reasonable doubt but that, under proper encouragement, it will, at no very distant period, supply all our remaining wants, and especially those articles for which wool is essential.

Your memorialists cannot conceive that, at this period, any friend to this country would draw distinctions between its various establishments unfavorable to either. Speculative theories derived from other countries or other ages can rarely be applied, with justice, to our own; but if these theories are indulged they can only be drawn from abuses or a state of society different from what we enjoy. The manufactures abroad may be considered as of two distinct kinds; the one consisting of great commercial establishments, to which the whole mass of society is devoted; the other those of a more confined character, which run hand in hand with agriculture, and afford a useful aid to commerce, without becoming its sole support. The latter exists throughout all the continent of Europe, and nourishes every other application of labor; the former exists chiefly in Great Britain, from whence we derive some of the most useful, and all the injurious ideas of manufactures. Her institutions, however, are derived from her peculiar situation; abounding in minerals, and with a soil incapable of sustaining her inhabitants, she is compelled to an unbounded scope of manufactures to sustain her commerce, and to feed her

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people. In these, however, it is from momentary abuses in some of her manufactures alone, that injurious impressions of them are derived; for if we examine them all, with proper discrimination, we shall find that the far greater part of them, and particularly her woollen manufacture, comprises the most free and comfortable portion of her population; this character applies to every State of the Continent. France and Germany have, for ages, carried on large manufactures, without the least injury to their people, or their agriculture; and the history of Europe will prove that manufactures have been, in every age, the nurseries of its freedom and prosperity. To their existence liberty is essential; for to raise or to buy the raw materials, to sell their productions, or to pursue their inventions and skill, requires that freedom from restraint which first compelled the feudal lords of Europe to emancipate their artists, while they chained their agricultural subjects to the soil. From hence the cities of Italy first rose into free States, and the progress of the useful arts nourished the Reformation, and gave to the cities of Germany and Flanders, to Geneva, and to Nismes, a portion of liberty which no other part of Europe possessed.

Your memorialists cannot ask for an encouragement injurious to any portion of their fellow-citizens, or the interests of their country. The mass of labor here, as elsewhere, is comprised in the three great divisions of agriculture, commerce, and manufactures; but these are so connected that benefit bestowed on one must extend to all. Under a free constitution and equal laws, the children of the State justly ask the same patronage, to whichever object they direct their industry. Our population has now risen to a large amount, and a considerable portion of it is comprised in our cities and towns; these are necessary to nourish the more diffused districts of agriculture, by furnishing them with markets, and supplying those wants for which a combination of labor is required; hence their application to manufactures is at once natural and essential. Besides these, our numerous streams of water, our minerals, our woods, and our tillage, all invite to the employment of manufacturing skill. In this the choice will always be best determined by the most necessary wants of the country; and what we ask is, not to direct or give to manufactures an unnatural aid, but to protect them from foreign injury. For a long period, it is none but the most necessary which can be reared, and while our vast territory, and the unbounded scope it offers for agricultural labor will, perhaps, forever prevent the introduction of any other, the settlement of that territory itself will proceed with the surer step, as we become independent in our resources.

There are two facts of considerable importance, which your memorialists believe may be fully established: first, that the import of foreign goods in most years, and particularly in the present one, already exceeds the value we can pay by our exports. This circumstance is in a great degree similar to what occurred upon the peace of

1783, when the country was so inundated with foreign articles that the manufactures were destroyed, and our citizens torn to pieces for many years to pay for them. The late wars in Europe by presenting new and extraordinary objects of commerce to us, retrieved our embarrassments, and threw into the country a mass of wealth which overpaid the deficiency of our proper exports; but these extraordinary objects are not to be expected in peace, when the balance against us must again increase, unless we can prevent it by our domestic economy.

The other fact is, that the manufactures of the country, altogether, have become so important that the carriage of raw materials from abroad, (chiefly of kinds we do not produce at all, or not in sufficient quantities,) actually exceeds, in point of tonnage, that which is employed in manufactured articles; and if, to the tonnage thus employed abroad, we add that which conveys our raw materials and manufactures coastwise, we shall find that they already support a most important part of our commerce, of that kind which we can secure and extend in peace, and which is of all others the most interesting to the country, viz: the increase and employment of our ships and seamen, to whom freights are the proper objects of employment, and it will be at once perceived how much these are increased by the import of such articles as hemp, iron, copper, lead, brimstone, and the like, over fine and costly manufactures.

Your memorialists are sensible that very erroneous ideas have prevailed as to the profit yielded by the woollen manufacture, which has been considered as very great during the war. In order to counteract this opinion, which is incorrect, your memorialists state that when the manufacture was begun, just before the war, washed merino wool was at less than one dollar per pound, but that, during the war, it rose to three dollars, so that the wool in a yard of cloth cost at least six dollars, and the materials for finishing it and workmanship were equally high; it was these, therefore, and not the profit, that enhanced the price of cloth; and they prove that the manufacture was actually instituted at the risk of the manufacturer himself, but that the profit was largely shared with the agriculturist and other laborers of the country; besides which, it is certain the profit, whatever it was, came at a fortunate period to introduce the manufacture and supply the country; nor has it been employed long enough to give either a reward or fair experiment to the introducers of it; since the period has been so short that a great part of it has necessarily been taken up in forming the establishments, at great cost, and they are always known to be least productive for the first few years. At present, the manufacturer here can afford to make a piece of cloth at about the same price as it may be imported for, that is, at eight dollars per yard; but he cannot make it here for what it can be made in England, because the materials and workmanship are both much higher here; nor is the cost of carriage and old duties

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enough to pay the difference. It absolutely requires the whole of the present duties, as they now exist, and these cannot be considered as high when it is seen that they are to comprise all the manufacturer's profit, and protect him from all his disadvantages, especially the following: first, the higher prices he pays here for the wool, the machinery, and the workmanship; second, the probable depression of wool and cloth abroad; thirdly, the enormous import sold here below their cost; and, lastly, the prejudice of the country in favor of foreign fabrics.

Your memorialists cannot but conclude by expressing their conviction that the absolute fate of their manufacture depends on the determination of Congress, and with it the fate of a great number of citizens who have engaged in it; that they entered into it under the encouragement given by the late war, is correct, as without encouragement from some source no important institution would ever be begun; but it is certain that neither now, nor upon any future occasion, could the citizens of the United States be supposed to embark in such undertakings, where the private hazard is always great, solely upon the precariousness of public measures; to look forward, therefore, to the public patronage when they might require it, was, as it ever will be, a reasonable resource, upon which every man who engages in such undertakings must depend. It is, then, with confidence that they now rely upon the measures of Congress for that protection which is essential to them, and with them to the woollen manufacture and growth of wool in the United States; and they respectfully pray that Congress, taking the premises into its most serious consideration, will grant the protection they require, by continuing at least the present duties upon all woollen articles of foreign manufacture imported into the United States.

WM. R. RODMAN, *and others.*

COMPENSATION OF OFFICERS OF THE CUSTOMS.

[Communicated to the House, March 21, 1816.]

TREASURY DEPARTMENT,
March 21, 1816.

SIR: The petitions hereinafter mentioned have been referred to this Department at different times:

1. The petition of the inspectors of the customs of the port of Philadelphia, praying an increase of their compensation.

2. The petitions of the inspectors and weighers of the customs at New York, with a similar prayer.

3. The petition of the inspectors of the customs at Baltimore, with a similar prayer.

By the act of the 2d of March, 1799, (vol. 4.) the compensation of an inspector was fixed at a sum not exceeding two dollars for every day that he should be actually employed in aid of the customs, to be paid by the collector out of the rev-

enue, and charged to the United States, according to the amount produced, at certain rates, regulated by the quantity, and the kind of the articles measured, weighed, or gauged. It is believed that the compensation of this class of officers has seldom exceeded at any place the average of two dollars for each day; and that, at many places, it falls much below that sum.

It is obvious that the effective value of the compensation, which was allowed in 1799, has been greatly reduced in consequence of the enhanced price of every article of subsistence and comfort. The service of the inspector has, also, become much more severe and important than it was at that period. The compensation of the weighers, measurers, and gaugers, might be considered as increasing with the increase of their business; but, in truth, the effect of the increase of business must be the employment of a greater number of those officers, and, consequently, the compensation of each will probably remain stationary.

Under every view of the subject I am impressed with the justice and policy of granting the prayer of the petitioners, by advancing their present compensation at the rate of fifty per cent.

I have the honor to be, very respectfully, sir,
your most obedient servant,

A. J. DALLAS.

HON. WILLIAM LOWNDES.

WASHINGTON, March 8, 1816.

DEAR SIR: Some weeks ago petitions from the weighers and inspectors of the customs, belonging to the port of New York, were presented to Congress, praying for an augmentation of salary. This petition was referred to the Committee of Ways and Means, who, I have understood, have laid it before you. I feel impressed with the necessity of granting some relief to the petitioners, and I have, therefore, taken the liberty to address you on the subject.

The officers of the customs in the city of New York are a very reputable class of men, many of them old Revolutionary officers; many of them persons who once were in comfortable, and even elevated circumstances, and who, owing to adverse fortune, have had to take refuge, in advanced life, in the scanty shelter from want that the *per diem* of a custom-house officer affords; and all of them, as far as my knowledge extends, possess the character of being upright and exemplary. They are remarked for their official integrity: so much so, that I have never heard a lisp of such a thing as corruption having been found among them.

The salary now given them, of two dollars per day, was established about eighteen years ago when it was probably quite sufficient; but everything has so enhanced since that day that one thousand two hundred and fifty dollars will not go as far now as seven hundred and thirty dollars did then. No small tenement, of any decent appearance is to be obtained at present under two hundred and fifty dollars. The fuel to support one fire will cost eighty dollars. A solitary ser-

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vant eighty more. Here is four hundred and ten dollars of the seven hundred and thirty gone for three items. The fact is, I have ascertained, to my perfect conviction, that these men are in a deplorable situation. Some of them have families of five, six, and I know of one who has nine children. They are perplexed with small debts, contracted through poverty, for the absolute wants of their families, and many of them are becoming shabby in their appearance. I have been told by one that to school his children was out of the question, for he could not afford them shoes in the Winter. Many of them have grown gray in the employ, and most of them have been so long engaged that they have either lost the knowledge of all other business, or have lost the means of helping themselves to a change; and are too necessitous to throw up this "half a loaf" for the uncertain hope of getting into better bread.

I ought to mention, also, that, in consequence of the double duties, there has been a necessity for increase of vigilance; and this has compelled the officers, by the direction of their superiors, to watch by night as well as by day; so that they have, of late, lost two nights' sleep in a week. This has made their duty peculiarly hard. From all these circumstances and facts I cannot refrain from saying that I think equity and common humanity dictate that they should be relieved.

Setting aside their own personal claims, good policy must imperiously require that their situation should be comfortable. These men, thus perplexed and needy, are, indirectly, the collectors of the revenue, which, in New York, under the expected tariff, will amount to nothing short of eight millions of dollars per annum. Ought not the guardians of this amount of impost to be kept decently alive? You must agree with me, sir, that starvation is no great friend of honesty; and the question becomes a serious one, whether, while all the means of life are amply at hand, starving men will not be apt, even at the expense of integrity, to help themselves! Men are best kept honest by not being led into temptation. Should they at once get corrupted, and the frauds that are common all over Europe and elsewhere, become familiar here, it is impossible to calculate the amount of injury the revenue may sustain.

We certainly ought to augment the salaries of these officers at the same moment that we augment the duties. One hundred thousand dollars, and, perhaps, a smaller sum divided annually among the petty officers of the customs, in addition to their present salaries, may be the means of saving one million per annum to the public income. Something of this kind, most unquestionably, must be done; the good of the community at large demands it, and if it be neglected, the alternative is inevitable; either our inspectors of the customs will become dishonest, or quit the employ in order that dishonest men may take their places.

You will pardon the freedom with which I have addressed you, and believe me, with sincere regard, dear sir, &c.,

WM. IRVING.

The Hon. A. J. DALLAS.

SENATE CHAMBER, March 19, 1816.

SIR: Several respectable individuals of New York, whose business gives them a particular knowledge of the duties of the inspectors of the customs, have signified their opinion that an increase of the compensation of these officers was expedient, and that the public interest would be secured and promoted by such increase.

I take the liberty of uniting in this opinion, and of communicating the same to you, on the information that the subject has been referred for your consideration and report.

I am, sir, with great respect, your obedient servant,

RUFUS KING.

A. J. DALLAS, Esq.,
Secretary of the Treasury.

REMISSION OF FORFEITURES.

[Communicated to the House, March 22, 1816.]

TREASURY DEPARTMENT,
March 22, 1816.

SIR: The petition of "sundry merchants of Massachusetts," which was transmitted in your letter of the 21th ultimo, with a request from the Committee of Ways and Means for "any information on the subject of the petition, or any opinion in regard to the claim of the petitioners that it was thought proper to communicate," has been duly considered, in connexion, as well with the documents that accompanied it, as with other documents in this Department upon the same subject, and I have now the honor to communicate the result.

Towards the close of the year 1814 great quantities of goods, of British manufacture, amounting, probably, in the aggregate value, to more than a million of dollars, were admitted to entry at Hampton, in the district of Penobscot, and the duties upon them were paid or secured at the time of the entry. The goods, or a considerable proportion of them, on their way to Boston, from Hampden, were afterwards seized as forfeited, under various laws; some of them were libelled in the district court of Massachusetts, and others in the district court of Maine; and, upon the trial of one of the libels in Massachusetts, with an agreement that the fate of that case should, generally, be binding on all the other cases, the jury gave a verdict in favor of the claimants, under the direction of the court. To that direction, however, a bill of exceptions was tendered, and, upon a writ of error, the judgment of the district court was reversed, and a new trial ordered to be had at the bar of the circuit court.

In this state of the legal proceedings, the petitioners, who are the claimants of the goods, apply to Congress to be relieved from the alleged forfeiture, for the reasons which are assigned in the petition; and, upon the whole, two questions arise for consideration; 1st, whether the claimants are the *bona fide* owners of the goods, and became so

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in a lawful manner ; 2d, whether the importation and entry of the goods at Hampton were, under all circumstances, lawful. To pave the way for the decision of the committee, on these questions, a more particular statement of the facts, which are involved in the case, becomes proper and necessary.

The general facts of the case.

The British Government having declared, during the late war, a general blockade of the whole coast of the United States, the American Government on — of —, issued a proclamation, protesting against the extravagance of the measure, and offering to neutral traders an assurance of all the protection it could give. Upon the same principle and policy letters were, on particular occasions, written from the Treasury Department to the collectors of the customs, authorizing the protection and encouragement of neutral commerce; and, on the 4th of April, 1814, the non-intercourse laws had been repealed so as to admit, generally, the importation of goods of British growth, produce, or manufacture, and to allow neutral vessels to trade between the United States and Great Britain and Ireland, and the colonies or dependencies of Great Britain. But neither the President's proclamation, nor the Treasury correspondence, nor the repealing act, were designed to sanction a merely colorable neutrality, covering the property of the enemy, involving an unlawful intercourse between the citizens and the enemies of the United States, and violating the positive sanctions of the laws enacted for the security of the public revenue.

On the 1st of September, 1814, a British military and naval force took possession of Castine, the port of entry for the district of Penobscot, and claimed, by proclamations and military orders, the sovereignty and jurisdiction of all the territory east of the bay and river Penobscot. The actual possession and occupancy of the British troops did not extend over the territory claimed; and, in particular, it is to be observed that, although the town of Orrington, which was neither a port of delivery nor of entry, situated on the east side of the Penobscot, was probably once visited, during the month of November, 1814, by a small detachment, "it never had attempted to surrender to the British arms," as Judge Story judicially declared, in delivering the judgment of the circuit court, "and it always continued to assert and claim its American rights and privileges, and to obey the laws of the United States." When the British forces took possession of Castine the collector of Penobscot removed his office to Hampden, (which was a port of delivery for vessels of the United States only, and was not a port of entry for any vessels,) situated on the west side of the Penobscot, nearly opposite to Orrington.

The appearances of an illicit traffic between the inhabitants of the west and the military occupants of the east side of the bay and river Penobscot were soon displayed, and strong representations were made to the Government upon the subject. It was not found practicable, however,

in this quarter, any more than at Passamaquoddy, to prevent the intercourse. Supplies were sent in abundance to the enemy; and goods, almost without stint, were imported into the United States from his possession, either clandestinely, or in vessels assuming a neutral flag. The goods claimed by the petitioners were brought from Orrington to Hampden in the latter mode. The petitioners do not, either in the allegations of their petition, or in the documents accompanying it, furnish the means of making a discrimination in the merit of their cases; but, on the contrary, as they all united in an agreement to be bound in the decision of one case, and as they unite in one application to Congress upon the same general statement, it must be presumed that the cases are not susceptible of any important distinction. They will, therefore, be embraced without discrimination, in the narrative of the transaction, which the petition places upon a footing of a fair and open neutral trade; as to the owner and character of the vessel employed; as to the owners of the goods imported, and as to the course of the trade.

1st. As to the owner and the character of the vessel employed.

In delivering the judgment of the circuit court, Judge Story states that the goods claimed by the petitioners "were found at Orrington, in the month of November, 1814, and were then shipped on board of a small sloop, called the *Christina*, commanded by a Mr. William P. Unger, and transferred to Hampden, where they were admitted to an entry by the collector of the district, as foreign goods imported in a foreign vessel, &c.; that the sloop was American built, and was, until the 14th of October, 1814, enrolled and licensed for the coasting trade, in the district of Penobscot, by the name of the *Union*; that, on that day, she was sold to Mr. Unger, the master, who called himself a Swedish subject, although it was in proof that he had for several years domiciled in the United States; and that, at the time of transporting the goods, the sloop was navigating under a pass from Mr. Soderstrom, the Swedish Consul, dated the 14th of the same October, recognising her as entitled to the benefit of the Swedish flag; but her crew, with the exception of the master, were all Americans."

The character of Unger and the *Christiana*, thus described by the judge, is also to be traced in the depositions and documents accompanying the petition.

It is stated by Charles Tibbet, the deputy collector of Penobscot, "that he had known the *Christina* by the name of *Union*, prior to the arrival at Hampden, for several years; that he did not recollect where she was built, but she was originally an American vessel; that her last owners were Samuel Bartlett and another person, both of Buckstown; that she continued to be their property until October last, at which time, according to a bill of sale, she appeared to have been transferred to Mr. Unger; that he had known Mr. Unger about three months; had heard Unger say he was married; had a wife at the Southward.

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&c.; that he did not know where Unger resided for the last three years, but he had heard him say that he had sailed from the Southward and Westward; that Unger occasionally then resided at Hampden; that he was at Castine about the end of September, 1814, where he saw Unger, who told him that he had goods on hand which he wished to introduce into the United States, stating that he was a neutral subject, asking him if he could import the goods in a neutral vessel, and whether such a vessel would be admitted to an entry on application being made; and that he told Unger he thought there would be no difficulty if it were a regular vessel," &c.

It is stated by Samuel Bartlett, (who proves to have been the owner of the Union, on the 14th of October, 1814, the date of the alleged bill of sale to Unger,) that, in the month of October, 1814, Unger informed him that he was a naturalized and Swedish subject, and had, with other neutrals, a large quantity of goods at Castine, then in the possession of the British, which he wished to ship into the United States; and applied to him to go to Hampden, in order to learn, from the collector, whether he felt himself authorized, by the laws of the United States, to enter goods in a neutral vessel with consular papers at Hampden; that he went accordingly, and Mr. Hook, the collector, being absent, Mr. Tibbet, his deputy, informed him that he would enter all goods which came in that way, and thought there would be no kind of difficulty in so doing; that he observed, that he wished Tibbet to be sure he was right, for it was of great importance to his employer; that he returned immediately to Castine, and gave information to Unger of Tibbet's answer, and Unger a few days after sent the sloop Christina to Orrington," &c.

It is stated by Joseph Lee, "that, in the months of November and December, 1814, he was employed by Unger, master and owner of the Swedish sloop Christina, to do the necessary writing, &c.; that he prepared the master's manifests and owner's entry of several cargoes of foreign goods, which were shipped on board of the said sloop at Orrington and Buckstown, and imported into and delivered at Hampden and Frankfort; that he was knowing to Unger's purchasing large quantities of foreign goods of British merchants at St. John's and Halifax, which were transported to Orrington, and imported and delivered at Hampden; and that he verily believed that Unger was, what he said he was, a native of Bohemia, and a naturalized Swede; that John Nyman was a native Swede; and that Constantino Lefrio was a native Spaniard."

It is stated by Edward W. Bradshaw, "that, in the month of November, 1814, while acting as Swedish vice-consul, under the authority of Richard Soderstrom, Esq., he went to Hampden, in the county of Hancock, in the district of Maine, for the purpose of examining the papers of the Swedish sloop Christina, whereof Unger was master and owner; on examination he found her papers to be original ones, and that Captain Unger was entitled to all the privileges of a natural-

ized citizen of Sweden; that he could not say where he was born, but believed he was born in Denmark, and had a Swedish burgher's brief."

It is stated, generally in the thirteen manifests of the successive cargoes imported in the sloop Christina from Orrington to Hampden and Frankfort, that Peter W. Unger is master and owner of the vessel, and that he is a burgher of St. Bartholomew.

Upon the evidence thus recited, in relation to the owner of the vessel, it appears that, on the 14th of October, 1814, the alleged Swedish sloop Christina, owned by Unger, a naturalized Swede, was the American licensed sloop Union, owned by Samuel Bartlett and another person, citizens of the United States; that Unger (as Judge Story says) had been for several years domiciled in the United States; but that, on the 14th of October, 1814, with a view to the transportation of goods from Orrington to Hampden, the vessel assumed a neutral flag, and Unger obtained a certificate and pass from the Swedish consul, recognising him as a naturalized Swede.

2d.—As to the owners of the goods imported.

It appears from the thirteen manifests which have been already referred to, that all the goods imported in the Christina were entered at Hampden from Orrington, between the 29th of October and the 22d of December, 1814, both days inclusive; that the only shippers of the goods were W. P. Unger, S. J. M. Peillon, John Lyman, and Lefrio, and that the goods were consigned to order, to Unger, to Nyman, to Lefrio, to Herrick, and to Crosby, respectively. The only bill of sale exhibited with the petition, purports to be one from John Nyman to Mr. Arthur Tappan, dated Hampden, the 3d of December, 1814, for goods to the amount of \$58,982 70. It is stated that the goods had been bought by Nyman of "James Chapman, on the 13th of November, 1814;" that "the advance was twenty per cent., it being understood that the said Tappan is to pay the duties on the above goods when they become due;" and it concludes with a receipt in these words: "December 5. Received payment, by draft, on John Tappan, of Boston, payable in sixty days from date. John Nyman." The signature to the receipt is the subject of a deposition by Timothy Rogers, who says, "that he has seen the said Nyman write his name, and had no doubt but that the signature of John Nyman to the annexed bill of sale to Anthony Tappan, dated December 3, 1814, &c., is the proper handwriting of the said Nyman, and that the deponent spoke of this fact as from his best recollection, having never seen Nyman write but once."

The real ownership of the great quantity of goods imported, appears, therefore, to be referred, without explanation, by the petitioners to Unger, to Nyman, to Lefrio, and to Peillon.

Of Unger, and his competency to be owner of a great portion of the goods, the facts already stated are all that can be traced.

Of Nyman, and of his competency to be the owner of a great portion of the goods, it is stated

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by Timothy Rogers, "that John Nyman arrived at Gloucester in May, 1814, master of the schooner *Magdalena*, and applied to the deponent to enter his vessel, and to transact his business. That the vessel and cargo, from papers, appeared to be the property of Nyman, and the cargo was consigned to the deponent, as his agent or commission merchant. That the deponent followed his instructions in the management and disposal of it; and that he acted, in all respects, as owner, the deponent knowing no one else as owner." The manifest of the *Magdalena's* cargo is exhibited. It is further stated by John S. Trott, that Nyman is a Swede, a man of integrity and credit in trade; and Mr. Soderstrom, the Consul General of Sweden, as well as Mr. Blagge, the Swedish Consul for Massachusetts, states that Nyman is a Swede.

Of Lefrio, and his competency to be the owner of the goods imported in his name, all that occurs is a statement by Joseph Lee, that Lefrio is a Spaniard, and that it appears by the invoices that he was an owner of some of the goods.

Of Peillon there is no trace in the documents accompanying the petition, except his name occurs in the manifests. Peillon has, however, filed a petition for a remission of the forfeiture incurred, in which he claims a part of the goods in his own right as a neutral Frenchman, and admits that his goods were transported from Castine to Orrington by land, alleging such course to have been necessary, in order to avoid the British blockade.

3d.—As to the course of the trade.

It is sometimes alleged that the goods were purchased in Halifax, and sometimes that they were purchased at Castine; but how or when they were deposited at Orrington, does not appear upon the documents accompanying the petition; nor, indeed, did the fact appear (as Judge Story states) in the evidence before the circuit court.

To these general views of the case it is proper to add that, on the 25th October, 1814, four days previously to the first entry of the *Christina* at Hampden, a letter was written to Josiah Hook, by John Tappan, agent, and Edmund Munroe, agent, in which they inquire as follows: "We are desirous to ascertain from you if a neutral vessel, with neutral papers, and with a cargo owned by a neutral subject, will be admitted to an entry in the district of Penobscot, say in Hampden or Bangor, if such a one should arrive without a clearance," &c. Mr. Hook answered that "he would admit a vessel to an entry, of the description mentioned, at either Hampden or Bangor, and that he should afford every facility that the law would authorize to encourage fair trade." An application was also made by Mr. Tappan to Mr. Blake, the district attorney, for an opinion on the legality of the course contemplated by the above inquiry. Mr. Blake's answer branches into a number of points, but, in substance, it confirms the opinion given by Mr. Hook.

For whom Messrs. Tappan and Munroe acted as agents, in their application to the collector and

district attorney, does not appear. Mr. Tibbet states that "he does not know whether any part of the goods was the property of Mr. Unger, nor does he know to whom the said goods did belong. That the duties were secured, and in part paid by Thomas W. Storrow, of Boston, John Crosby, jun., of Hampden, and Hartwell Williams, of Augusta, all of them American citizens. That he does not know by whom the goods were transported to Boston, but that the certificates intended to accompany them were delivered by him to Mr. Storrow.

Having thus examined the documents accompanying the petition, without referring, except generally, to the contemporaneous information received at the Treasury Department, it is proper to bring into view the material allegations of the petitioners in point of fact, (not already brought into view by the foregoing statement,) that they may be compared with the evidence. They are the following:

1. That the petitioners were, respectively, purchasers of goods imported into the district of Penobscot, since the 1st of October, 1814, by divers persons, subjects of Powers in amity with the United States, being neutrals, not domiciliated in the United States, nor in the United Kingdom of Great Britain and Ireland, nor in any of the colonies, provinces, dependencies, or possessions thereof.

2. That, after the repeal of the non-importation and non-intercourse laws, goods were imported by neutrals from British possessions into the district of Passamaquoddy, were admitted to an entry, and there sold to American merchants, without prohibition, seizure, or detention; and, after the capture of Eastport, the custom-house was removed to Lubec, where similar entries and sales were allowed.

3. That the collector of Penobscot, or his deputy, "on application being made by sundry neutral merchants," to ascertain whether goods of British manufacture, but the property of neutrals, could be admitted to entry at Hampden, as well from Castine as from other places in the actual possession of the British, answered in the affirmative; and, in consequence thereof, such importations were made.

4. That thereupon the petitioners purchased, bona fide, a considerable quantity of the goods so imported, after they were entered and landed, at an advance, and paid for them, at the terms of purchase, by drafts and bills on different places abroad, and in the United States.

6. That, on the trial of the libel in the district court, it was admitted on the part of the United States, and of the officer who made the seizure, that, at the time of the importation, the goods were the property of neutral subjects, not domiciled in the United States, nor in any of the British dominions, and were imported in a vessel admitted by the collector to be a neutral vessel.

6. That Orrington was deemed by the collector either a British possession, from which neutrals might trade to the United States, or a place at which the goods might be landed, as in a case

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of necessity, under the twenty-seventh section of the collection law, (vol. 4,) without incurring the penalties and forfeitures of the act interdicting to neutrals a participation in the coasting trade of the United States.

Upon the whole, the question recurs, 1st. Whether the petitioners are the bona fide owners of the goods claimed, and became so in a lawful manner? And, 2d. Whether the importation and entry of the goods at Hampden were, under all circumstances, lawful?

The consideration of these questions is submitted, respectfully, to the Committee of Ways and Means, upon the following propositions:

1. That if the vessel, master, and other persons employed were, in fact, neutral, and not the instruments of a contrivance, to evade the law of war, as well as the municipal law; and if the goods, when landed and entered at Hampden, were, bona fide, the property of neutrals, and not the property of an enemy, or of citizens having purchased them from the enemy, the first question may be answered in the affirmative. But if there be a doubt upon the subject, the petitioners may be allowed time to produce further evidence before Congress, or they may be referred to the decision on the trial, which has been ordered at the bar of the circuit court.

2. That, if the first question be answered in the affirmative, the legal answer to the second question, arising upon the strict law of the case, may be superseded by an exercise of the legislative authority. It will then be unnecessary to decide upon the lawfulness of establishing a port of entry at Hampden; and upon the lawfulness of the importation and deposit of the goods at Orrington; and upon the unlawfulness of the trade between Hampden and Orrington, upon the waters of the United States, under a neutral flag, and with an unlicensed vessel.

I have the honor to be, &c.

A. J. DALLAS.

Hon. WM. LOWNDES,
Chairman Com. Ways and Means.

UNSETTLED BALANCES.

[Communicated to the House, April 24, 1816.]

Mr. HUGER, from the committee appointed by a resolution of the 27th February last, to examine generally into the subject of unsettled balances, submitted the following report:

At an early period after their appointment the committee proceeded to turn their attention to the subject submitted to them. Although prepared to meet many difficulties, in the proposed investigation of unsettled balances, they had by no means anticipated that these difficulties would have been so serious, or to the extent they have experienced. They found themselves advancing into a labyrinth, the intricacies of which increased at every step they progressed. Little versed in the laws under which they were established, and

still less in the rules, regulations, and modes of proceeding adopted by the different departments, it became necessary that they should, in the first instance, endeavor to obtain some information on these points; and having no particular clue to guide them in making an investigation, the labor, zeal, and attention they were able to devote to this or that particular object of research not unfrequently turned out to have been unnecessary, or of little or no avail. The want of time, arising from their other official duties, the fast approaching period of the adjournment, and more than all, the measure wisely adopted by the House, of appointing distinct standing committees to examine hereafter into each respective department, have therefore induced the committee to suspend, at least for the present session, any further attempt to investigate the details of particular balances, and rather to confine themselves to a general view of the subject of the causes which have given rise to so many unsettled balances, and of the provisions which presented themselves as likely to remedy, or at least check the evil, and which it might be deemed expedient to submit to the consideration of the House.

It will be recollected that, at its commencement and first establishment under the new Constitution, large and extensive powers and duties devolved upon the General Government, which had been previously vested in the several States. They had, of course, to enter upon a wide and unexplored field of action, and wise and efficient as the regulations and measures adopted for the collection of the revenue in the first instance no doubt were, it was impossible to anticipate all the difficulties or mal-practices which would necessarily arise under an administration of the affairs of this growing country, co-extensive with the Union. Hence, various inconveniences were, in progress of time, experienced, and among others unsettled balances and defalcations in other branches of the public revenue, but more especially among the collectors, and in the customs, began at an early period to be experienced and complained of. Occasional checks and amendments were devised and adopted, as experience showed the necessity of them; but it is believed that there is great room for improvement, and that a general revisal of the organization of the several departments in regard to the management of their fiscal concerns, with additional checks in the collection and expenditures of the public moneys, is most desirable and requisite. On the propriety, therefore, of offering a resolution directing the Secretary of the Treasury to prepare and submit at the next session of Congress some such general and improved system, the committee feel confident that they are supported by the opinion of all those connected or acquainted with the actual state of the several departments.

In the meantime they feel authorized, not only by what has fallen under their own observation, but by the concurrent approbation of all those whom they have consulted, and in particular by that of the Comptroller, and of the Secretary of State himself, to recommend that provision be

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immediately made for establishing the office of accountant in the Department of State. The business of that, as well as of most other of the departments, has greatly increased within a few years, and is likely to continue to increase. There is, moreover, a great mass of unsettled accounts in the Department of State; nor is it easy to anticipate, under the present organization, when they can be finally acted upon and settled. Its transactions embrace a wide and most extensive field, and it is impossible that the high officer of this branch of the Government, upon whom the whole burden now devolves, can pay the proper and requisite attention to all the little minutiae of the office, and to the increased, increasing, and various pecuniary transactions with agents in every habitable country with which the United States have had, or may have, intercourse or political relations. To all who have attended to the subject the necessity is, indeed, evident; for, having such a subordinate officer, whose immediate duty it will be to bring up the business at this time so much in arrear, to retain precedents, and thereby establish greater system and uniformity in the final adjustment of different accounts, and to bring all those who have transacted or may hereafter transact business, and have accounts with the Department, to frequent and regular settlements. On the other hand, it would seem not less expedient to oblige all foreign Ministers and public agents to send in a regular and semi-annual account current, with the usual and necessary vouchers of all their money transactions with and on account of the Government. This appears to have been heretofore left very much to the individual himself to do or not, as he judged proper; and instances are not wanting of those in high and responsible situations who have never furnished any account whatever of their expenditure, or of the moneys which have passed through their hands. From these considerations, the committee have deemed it incumbent on them to report a bill for the establishment of the office of accountant, and directing regular accounts to be rendered by foreign Ministers and agents, which, if time permit the House to act upon during the present session, it is believed will save the United States many thousand dollars.

With respect to the unsettled balances, (the subject more immediately submitted to their consideration,) which are, by law, annually submitted to the House and published, they may be divided into three separate and distinct classes, viz:

1st. Balances of a doubtful or equitable nature.
2d. Balances on accounts not finally liquidated or acted upon.

3d. Balances liquidated, acted upon, and evidently due to the United States.

The first class includes such of the balances as the departments may not have been able, under existing laws and circumstances, or have felt a difficulty, and perhaps even a delicacy, in acting finally upon. These are not very numerous, but they relate, in several instances, to characters and persons who have held the highest offices under the Government; some of them are, moreover, of

long standing, and not likely ever to be finally adjusted under the existing state of things. It appears therefore to the committee, both expedient and desirable that some mode should be adopted for disposing of them, or some tribunal established which might pass them in review, and decide finally upon them, or report them, with their opinions in each respective case, to the House for their further examination and ultimate decision in regard to them.

The second class embraces that description of balances which appears upon accounts, from whatever cause, not finally settled at the several departments. This sometimes happens in cases where further time is allowed for procuring vouchers, or bringing forward additional charges or pretensions to which the individual believes himself, or affects to be entitled. On other occasions unsettled balances are published in obedience to the laws, where the accounts are still in a course of liquidation, and where there is, in fact, no balance actually due, but the balance published as such is what appears to be due at the end of three years on the face of the account, and as far as it has been liquidated. In some instances, it would seem that unliquidated and unsettled balances are published, in cases even where the individual has been ready and prepared to settle finally his accounts, but for want of time, or from doubts in regard to some undecided points, or from some other cause, proceeding not from him, but the Department, a final settlement has not taken place.

The necessary publication of some of these unsettled balances, in the manner pointed out by the existing provisions of the law, is perhaps to be regretted; for, whilst defaulters and those guilty of peculation deserve to be thus published and made known, it tends greatly to diminish the odium and contempt which they would experience, that their names should be coupled to, and appear with, those who are less culpable, or perhaps in nowise defaulters. Nor can it fail to be peculiarly painful and aggravating to the feelings of honest and honorable men to find themselves in such company, and held up to the public under at least the appearance of having committed like frauds upon the Government.

It would seem, indeed, that no account ought to remain unliquidated and unsettled after a lapse of three years. Yet as this may, and has happened, the committee are of opinion that the Comptroller ought to have the discretionary power of distinguishing cases of this kind, as well as those which fall under the first class, from the general mass of unsettled balances, and to present them in a separate and special report, stating the circumstances of each, and the course, where necessary, he would recommend to be pursued in regard to them.

It might, perhaps, be likewise proper to render it a part of the duty of the several departments to keep a regular annual account in the name of each and all of the salary officers, and of any other persons, whose accounts might at all times be satisfactorily stated without recourse to the indi-

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vidual for vouchers. And it seems evidently proper, on the other hand, that each and every person having money transactions with the Government should be bound to render at least semi-annual accounts, and, where possible, to make an annual settlement in full of all receipts and expenditures of public moneys which have passed through their hands, or under their management.

To the third, last, and most important class of unsettled balances, belong those of all real defaulters, who either acknowledge themselves to be such, or are found to be so upon a final settlement of their accounts. It is much to be regretted that this class of defaulters should be so numerous, and in some instances for considerable sums; nor is it less to be regretted that the names are found among them of persons of high standing and consideration in society.

The committee, although for reasons already mentioned they have declined entering into a strict and detailed examination of the accounts of each individual, or bringing any of them forward at the present time, have devoted considerable attention to, and taken into serious consideration, this class of cases, with a view of devising means to lessen the number already existing, and prevent, as far as possible, if not altogether, the recurrence of them in time to come. A hope that the greater experience, and better practical information of the Secretary of the Treasury would enable him to come to their aid in promoting these desirable objects is, likewise, one of their principal inducements for recommending a call upon him to submit a new and revised financial system to Congress at their next session; and, though they are aware that the advanced period of the present session will necessarily prevent any measure on the subject from being brought to maturity at this time, yet the committee deem it not amiss to suggest, for the consideration of the House, the following provisions as likely to contribute, in some degree, to prevent such large defalcations in the future receipts and expenditure of the public revenues as are found on the face of many of the unsettled balances. In this view the committee respectfully propose:

That the Comptroller and Secretary of the Treasury be authorized to review and examine such cases of doubt, equity, or difficulty, in regard to the unsettled balances, as fall under the description of the first or second class specified in this report, and to dispose of them, either by adopting some equitable mode of bringing them to a final settlement, or by specially reporting them, with their opinions in regard to each particular case, to the House, for their further examination and ultimate decision in regard to them.

That the district attorneys, or others, employed on behalf of the United States, be required to make an annual and detailed report to the Comptroller, by him to be laid before Congress, of their proceedings in regard to public defaulters, in their respective districts.

That the Heads of the several Departments be required to specify, in their annual reports to Congress, the names of the persons to whom ad-

vances of the public moneys, or with whom contracts have been made, the amount of the sums advanced, and the objects for which they were advanced; also, the names of their sureties, and the amount for which the several sureties are respectively liable.

That all collectors of the customs, and all other receivers of the taxes, duties, or other public moneys whatsoever, be required to pay over weekly, or as frequently as the Secretary of the Treasury may direct, to the Bank (or branch bank) of the United States, when established and in operation, or to such other bank in the town or neighborhood in which they reside, as the Secretary of the Treasury may fix on or approve of, all moneys which they may have collected or received; provided, in the opinion of the Secretary of the Treasury, their vicinity to such bank, and other circumstances, render it convenient and proper to be done.

That all persons whatever, having pecuniary transactions with the Government, be bound to furnish quarterly, or at least semi-annual accounts, and, where the nature of the case permits, be brought to an annual settlement in full.

That all balances found on settlement to be due the Government, which are not paid up in the course of three months, be forthwith, and without favor or distinction, put into suit; leaving to the Comptroller, however, the authority to make such exceptions to the general rule as he may, in his discretion, deem necessary and expedient; but, in every case where the suit is postponed the Comptroller shall report, at the next session of Congress, the inducements to, and reasons for, such postponement.

That all judgments obtained against defaulters be rigidly enforced, unless otherwise directed by the Comptroller, who shall report, at the ensuing session of Congress, all such cases, and the reasons for granting further indulgence.

That no defaulter, against whom a balance upon settlement of his accounts may be found, be qualified to receive an appointment to any office of trust or profit under the United States, or to obtain any contract from the Government, until such balance be paid up and finally settled.

That the pay and emoluments of all public officers and agents, as far as it can constitutionally be done, be retained and appropriated to the discharge of any balance found upon settlement to be due by them, until such balances be finally paid and satisfied.

The committee further submit, and recommend for the adoption of the House, the bill accompanying this report, to establish the office of Accountant in the Department of State, together with the following resolution:

Resolved, That the Secretary of the Treasury be required, and he is hereby directed, to report, at an early period of the next session, whether any, and, if any, what modifications or amendments may be advisable in the present organization of the several Departments, and especially in regard to their pecuniary concerns; and to submit such general plan or revised system for

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their future regulation and management, as may in his opinion, be likely to promote economy, and responsibility in the receipt and expenditure of the public moneys, despatch in the public business, and the public interest in general.

HOUSE OF REPRESENTATIVES,
March 9, 1816.

SIR: I am directed by the committee appointed to "examine generally into the subject of unsettled balances due the United States," to communicate for your consideration certain points or matters, concerning which they wish to receive information in detail, and to request that you will return as early and as full an answer, in regard to each of them, as circumstances may permit. The most prominent of these are as follows:

How, and with what checks, are accounts received and settled at the respective Departments?

What are the nature and description of the accounts in particular received from the Department of State, and what are the conditions and regulations governing their settlement?

Are there any defects in the laws establishing the respective Departments, in relation to the mode of adjusting and settling their accounts respectively; and, if there be any such defects, what provisions suggest themselves by way of remedy?

In the settlement of accounts is priority given at pleasure; or, are they taken up in rotation, and according to certain fixed rules?

Is the period, at which ascertained balances are sued, fixed; or, is there any rule, or principle, according to which all unsettled balances are indiscriminately sued; or are suits directed and postponed, at pleasure, by the Comptroller? In the latter case upon what principles are suits upon ascertained balances commenced or deferred?

To what are the large outstanding balances to be principally or generally attributed?

Do any further checks, penalties, or changes in the management of the several Departments suggest themselves as likely to remedy, or at least lessen, the evils complained of, in regard to such numerous and large unsettled balances, or to facilitate and render more speedy and easy the settlement of accounts in all or either of the Departments?

Are the officers receiving salaries, the agents of, and contractors with the Government, obliged by any law or penalty to render in their accounts quarterly, annually, or at any specified period; or do they render them in at pleasure?

Are the same unsettled balances, which appear on the first or any subsequent annual report, continued to be published in each subsequent annual report, unless finally settled?

It has been complained of that officers and other persons, having accounts to settle with the several Departments, are frequently delayed, sometimes detained at the Seat of Government an unreasonable length of time, at an enormous

and ruinous expense. If these complaints be not altogether groundless, does this detention arise from the want of clerks, &c.; or does any mode suggest itself, which would secure a greater facility, and an earlier examination and settlement of their accounts to persons so attending at the Seat of Government?

Is there any other mode of recovering balances due the United States than by suit at law, or any penalty attached by law or custom to defaulters? For example: when considerable balances appear due by individuals for three years and upwards, is it customary, or anything like a fixed principle, to suspend them from further public agencies, or to refuse to make further contracts with them?

In general, any information or suggestion which may be deemed useful, or likely to throw light on this subject, either as to the past, or in relation to measures hereafter to be recommended, is requested.

With sentiments of great respect, &c.,

BENJAMIN HUGER, *Chairman.*

JOS. ANDERSON, Esq.,

Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's Office, March 14, 1816.

SIR: Your letter, dated the 9th instant, as chairman of the committee appointed to "examine generally into the subject of unsettled balances due the United States," I had the honor to receive upon the 11th, and I take leave to present my answers to your several questions in the order following:

"How, and with what checks, are accounts received and settled at the offices of the respective Departments?"

"What are the nature and description of the accounts in particular received from the Department of State, and what are the conditions and regulations governing their settlement?"

At the Treasury Department, accounts which exclusively belong thereto are received by the Comptroller, the Auditor, Commissioner of the Land Office, and Commissioner of the Revenue; all of which, except those belonging to the Land Office, are placed in possession of the Auditor, who states them, and examines and reports them to the Comptroller, who revises and finally decides upon them. The accounts received by the Commissioner of the General Land Office are such only as properly appertain to that department of the Treasury; and they are stated and examined by that officer in the manner accounts are stated and examined by the Auditor, and are reported to the Comptroller, who finally decides upon them. When these accounts are thus acted upon by the Comptroller, they are sent to the office of the Register of the Treasury to be recorded, and the accounts remain under the care of the Register of the Treasury. This mode of settlement comprehends all the checks that belong to the whole accounts of the Treasury Department.

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Department of State. The accounts received from the Department of State, by the accounting officers of the Treasury, are those of Ministers, Consuls, special agents, messengers, and generally all such as relate to foreign intercourse, and other pecuniary concerns of that Department. Since the year 1801, the settlement of these accounts, agreeably to an arrangement then made by the Comptroller, has devolved upon the accounting officers of the Treasury, under the direction of the Secretary of State; that is, the Secretary of State states the nature and time of service of the persons employed, the allowance to be made for contingent and other expenses, and, in cases where the law is silent, the compensation to be received. All the requisite information being possessed by the Secretary, he decides on the principles of settlement, and the officers of the Treasury have little more to do than to arrange and give form to the account, to make the necessary calculations, and to see that the party is charged with all advances or payments on account ascertained to have been made to him.

The accounts of the War and Navy Departments are (or should be) rendered by their respective agents, contractors, &c., according to forms and rules prescribed by the accountants of those Departments: when received, they are settled without any immediate check. The sums admitted to the credit of individuals for supplies, services, &c., are entered in the accountants' books to the debit of the general account of expenditure to which they belong; each of these general accounts is closed at the end of the quarter by passing its amount to the debit of the United States, and they, of course, form the debtor side of the quarterly account which the accountant transmits, with all his settlements and vouchers, for revision at the Treasury. If any errors are discovered, the accountant is advised of them, in order that he may make the necessary corrections in his book, and hold the parties accountable. In the revision, thus made, consists nearly all the control which the accounting officers of the Treasury possess over the accounts of those Departments.

It may be proper to observe that, whenever an account is settled by either of the accountants of the War or Navy Department, and a balance is found due from the United States, a warrant is issued by the Secretary of the Department, countersigned by the accountant, and the money received by the party. Many items are admitted in the accounts, under rules, regulations, and ordinances of the Departments, over which the accounting officers of the Treasury do not consider themselves as having any control; and, when it is considered what a length of time must necessarily elapse, in consequence of the immense accumulation of accounts which now have to pass the accounting officers of the Treasury, before any control can be exercised, the effects of its utility must be very limited.

"In the settlement of accounts is priority given at pleasure; or are they taken up in rotation, and according to certain fixed rules?"

At the Treasury there are no fixed rules as to the time of taking up accounts for settlement. They are, however, generally taken up according to the time at which they are rendered; and, if the necessary vouchers accompany them, they are finally acted upon. If vouchers be wanting the party is advised thereof by letter, and the account suspended until the vouchers be supplied; though it is sometimes found necessary to settle the account, as far as the vouchers furnished will enable the accounting officers to do so, and suspend the items, not vouched, until vouchers are supplied.

"Is the period at which ascertained balances are sued, fixed; or is there any rule or principle according to which all unsettled balances are indiscriminately sued; or are suits directed and postponed at pleasure by the Comptroller? In the latter case, upon what principles are suits upon ascertained balances commenced or deferred?"

There is no period fixed at which ascertained balances are sued for; sometimes suits are instituted immediately upon the balance being ascertained, according to what may be the circumstance of the case. In important cases the Secretary of the Treasury is always consulted. In minor cases the Comptroller has heretofore been governed by his sound discretion, which has been regulated by the advice and information of the several district attorneys of the United States within whose district the debtors might reside. This mode has been deemed expedient, because more correct and proper information was to be expected from them than could be had by any other means; but information has been sought and sometimes obtained through other channels, and in many cases we have not been able to find out where the debtor lives; this is one reason why a number of suits have not been brought against defaulters. Suits are sometimes continued upon the special recommendation of the district attorneys, with a view of obtaining better security where the debt is doubtful; and, upon that condition, allowing further time for payment, and upon some occasions where the debt is secure, and the vigorous prosecution of the suit would ruin the party, indulgence is given.

"To what are the large outstanding balances to be generally or principally attributed?"

By a law passed on the 3d day of March, 1809, it is made the duty of the Comptroller to lay an annual statement before Congress of the accounts in the Treasury, War, and Navy Departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years prior to the 30th of September then last past. In consequence of this law all the balances found due, according to its provisions, were reported, and the names of the persons upon the annual list which have been submitted, have all been retained on the respective reports, the Comptroller not conceiving himself authorized to discontinue the names of any person, except in case where the accounts have been paid, or finally settled,

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which have been but few. The increase of these annual lists may be attributed to the delays of persons claiming credits, furnishing the necessary vouchers to establish such credits as will be seen in numerous cases remarked on the list of balances; to the tediousness of the legal proceedings, to returns of balances against officers of the Government for moneys advanced, many of whom reside abroad, and whose accounts are unavoidably continued open for more than three years.

It is, however, believed that, in many cases, nothing is really and justly due from those apparent debtors, some of whom were salary officers who have not rendered their accounts, and have been charged with the money they have received upon drafts made on account of salary.

"Are the officers receiving salaries the agents of, and contractors with, the Government, obliged, by any law, or under any penalty, to render in their accounts quarterly, annually, or at any specified period, or do they render them in at pleasure?"

The several laws, which establish the salaries of the officers of Government, authorized the compensation to be paid at the Treasury of the United States in quarterly payments; and although there is no positive law which obliges any salary officer to render his account quarterly, or at any particular period, the law, making the salary payable quarterly, implies that the account ought to be rendered accordingly, and this, I learn, has been the constant understanding at the Treasury since its organization. The salary officers at the Seat of Government render accounts quarter yearly for themselves, and the agents of salary officers render quarterly accounts for them. On the adjustment of which accounts, by the accounting officers of the Treasury, the amount found due is passed to the credit of the party, and a warrant is drawn on the Treasurer of the United States, and the warrant itself is debited to the officer in whose favor it was issued.

Officers who have an annual salary, and, in addition thereto, receive fees, perquisites, and emoluments, render their salary accounts quarterly with their accounts of fees, perquisites, emoluments, and expenditures; collectors of the customs quarterly, under a penalty of \$1,000, to be recovered by suit; and collectors, naval officers, and surveyors, render their accounts of emoluments and expenditures annually under a penalty of \$500. Collectors of direct taxes and internal duties render their accounts quarterly under the forfeiture of their official bond, and judgment to be entered thereon at the return term, on motion in open court by the attorney. From the recent establishment of the internal duties no penalty has yet occurred. The Receivers of Public Moneys, on the sale of lands, are required, by law, to render their accounts quarterly.

The agents of the United States render their accounts quarterly, such as agents of the marine hospitals, for the payments of invalid pensioners, light-houses, &c.

The contractors with Government render their

accounts agreeably to the time and terms specified in their respective contracts, or according to the rules and regulations which may be established in the different offices where the contracts are made.

"It has been complained of that officers and other persons having accounts to settle with the several Departments are frequently delayed, and sometimes detained at the Seat of Government an unreasonable length of time at an enormous and ruinous expense. If these complaints be not altogether groundless, does this detention arise from the want of clerks, &c., or does any mode suggest itself which would secure a greater facility and an earlier examination and settlement of their accounts to persons so attending at the Seat of Government?"

I am warranted in stating that, as a general rule, no officer nor other person, having accounts to settle at the Treasury Department, who have personally attended, with proper vouchers, have been detained longer than was absolutely necessary for their accounts to be fairly examined, and pass the usual forms of settlement.

The accounts of the principal assessors have not been acted upon as promptly as other accounts. The several laws establishing the internal revenue, and the instructions given by the Secretary of the Treasury upon these laws, have both been so differently construed by the respective principal assessors, and their accounts differing considerably from the view entertained at this office of the allowance to which they are entitled, that more than usual time is required to examine them, and compare the several changes and respective statements which have been made, with the laws and instructions under which they acted. A number of these accounts have also been necessarily suspended for want of proper vouchers, the assessors advised thereof, and the defects stated according to the established practice of the office.

The accounts of the General Land Office are greatly in arrears; some of them remain unsettled from seven to ten years. These accounts are intricate, and generally very large; from ten to fifteen days is required for the best accounting clerks to examine one of them.

Additional clerks have been asked for by several of the Departments, as will be seen in the estimate which was presented to Congress by the Secretary of the Treasury.

"Is there any other mode of recovering balances due the United States than by suit at law, or any penalty attached by law or custom to defaulters? For example, when considerable balances appear due by individuals for three years and upwards, is it customary, or anything like a fixed principle, to suspend them from further public agencies, or to refuse to make further contracts with them until the old balances are settled up?"

The general mode is by suit; but summary process is authorized in the cases of collectors of direct tax and internal duties. The Comptroller of the Treasury is authorized, by law, immedi-

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ately upon a delinquency happening in this case, to issue a warrant of distress against the delinquent collector and his sureties. When a public agent becomes a real defaulter, or where it appears that he is likely to become so to any considerable amount, the practice has been to remove him. Contracts are seldom or never made with defaulters who have old balances against them. I know of no law, however, upon this subject.

"Are there any defects in the laws establishing the respective Departments, and do any further checks, penalties, or changes in the management of the several Departments, suggest themselves as likely to remedy, or at least lessen the evils complained of in regard to such numerous and large unsettled balances, or to facilitate and render more speedy and easy the settlement of accounts in all or either of the Departments?"

The several questions here propounded embrace so extensive a field that I cannot, within the short time allowed by the call of the committee, answer them satisfactorily.

The honorable committee well know that, at the time the present system of accounting was formed, the revenue arising from the customs was very limited; there were no internal taxes.

The Military Establishment was very small, and there was not then any Navy Department or General Land Office, and the Post Office accounts were comparatively few, and, of course, the accounts which had to pass the accounting officers of the Treasury were but few, and these small, in comparison with those which now have to pass the form of revision. I, therefore, conceive, from the immense increase of the business of the several Departments, that a considerable modification, and some extension of the present system of accounting would be required to facilitate the settlement of accounts, and to render the necessary checks in the several Departments more prompt and efficient.

To present a view commensurate to the object which appears to be contemplated by the committee, would require time and deliberation.

The Comptroller, therefore, respectfully suggests to the committee, whether their views could not be better attained by requiring some officer of the Government to prepare a report upon this subject, to be laid before Congress at an early day of their next session.

I am, with great respect, &c.

JOSEPH ANDERSON.

Hon. BENJAMIN HUGER,

Chairman Com. of Unsettled Balances.

COMPENSATION TO MINISTERS AND
CONSULS.

[Communicated to the House, April 15, 1816.]

DEPARTMENT OF STATE, April 5, 1816.

SIR: I have had the honor to receive your letter of the 28th of March, with a copy of a resolution of the House of Representatives, instructing the Committee of Ways and Means to

inquire into the expediency of increasing the annual allowance to the Ministers of the United States in foreign countries, and of allowing salaries to the Consuls of the United States in foreign ports, and requesting such information or opinion on the subject as I may be able to communicate.

Considering it my duty to communicate all the information in the possession of the Department, or within its reach, on any public subject before the House, which may be desired by the committee, I have to add that, in performing that duty, I shall always be happy to give, without reserve, such opinion as I may have formed on the subject.

On the first part of the resolution, relating to the expediency of increasing the compensation of our Ministers in foreign countries, there is but one opinion among all those who have had the best opportunities of acquiring correct information, which is, that the present allowance is altogether inadequate. In this opinion, especially in respect to the principal Courts, I fully concur. Representations to this effect having been made by several of our Ministers, I annex a copy of their communications on the subject; well satisfied I am that great losses have been sustained by those who remained any considerable time abroad.

The members of the diplomatic corps at the several Courts of Europe live much in the same style. Their household establishment, equipage, number of their servants, expenses in attending Court, of intercourse with each other, and of hospitality, are, in the most material circumstances, similar. The habits and propensities of particular members of the corps may increase these expenses considerably; but no degree of economy can reduce them below a certain grade. From the nature of our Government, something may be spared to our Ministers in what regards style or mere ostentatious display, but in nothing else. All the other heavy items are as applicable to them as to the Ministers of other Powers.

Presuming that a view of the compensation allowed by the Powers of Europe to their representatives at foreign Courts may serve to give an idea of the expense of living there in that character, I have annexed a statement of it, as far as it has come within my knowledge.

Having stated the facts which are essential in this case, it is not necessary, and might be improper, for me to communicate any opinion as to the degree of augmentation which ought to be made to the salaries of our Ministers in foreign countries. With a knowledge of the facts, every member of the committee is as competent to judge of the proper augmentation as I can be. The United States constitute a distinguished member of the great community of nations. Their citizens, favored by many important circumstances, particularly by the great excellence of their Government, enjoy in the highest degree all the blessings which can be derived from the social compact. It is our duty to perpetuate these blessings, and, with that view, to fortify

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ourselves at every point where danger of any kind menaces. Is it necessary that the United States should be represented with foreign Powers? That has long ceased to be a question. Shall they maintain a proper station there, not assuming, but dignified, such as the general expectation and common opinion of mankind have given them? That has never been a question. The character of the country, if not its rank, is in some degree affected by that which is maintained by its Ministers abroad. Their utility in all the great objects of their mission is essentially dependent on it. A Minister can be useful only by filling his place with credit in the diplomatic corps, and in the corresponding circle of society in the country in which he resides, which is the best in every country. By taking the proper ground, if he possesses the necessary qualifications, and is furnished with adequate means, he will become acquainted with all that passes, and from the highest and most authentic sources. Inspiring confidence by reposing it in those who deserve it, and by an honorable deportment in other respects, he will have much influence, especially in what relates to his own country. Deprive him of the necessary means to sustain this ground, separate him from the circle to which he belongs, and he is reduced to a cipher. He may collect intelligence from adventurers and spies, but it will be of comparatively little value; and, in other respects, he had as well not be there.

On the other part of the resolution—the propriety of allowing salaries to our Consuls in foreign ports—I have to state that it is deemed advisable to make such allowance, limited, in the commencement, to certain countries, and to the metropolis of each. On several of the Governments of Europe our citizens have claims to a considerable amount still to settle. In many of the ports of each Power we have, almost at all times, destitute seamen, discharged either from our own merchant vessels, or from those of other nations into which they had entered. Neither of these interests will be duly attended to without a special agent, with an adequate compensation. A Consul is the fittest person to perform these duties; and, under the superintendence of the Minister, whose business is to settle principles, he may with propriety be charged with them. Our citizens have claims on Great Britain, France, Spain, Denmark, the Netherlands, Sweden, and Naples; and we have often destitute seamen in the ports of most of those countries, especially Great Britain. These duties must be executed with some department of their respective Governments near which our agents must reside. It is therefore proposed to allow salaries at this time to our Consuls at London, Paris, Madrid, Amsterdam, Copenhagen, and Stockholm, at which places the fees of office and profits of trade do not afford them a support. As special reasons operate in favor of the allowance to these places, it is thought advisable to confine it to them, without deciding, at this time, on the policy of a general change of the system. That turns on other considerations, many of which are

suggested in Mr. Crawford's letter. The duties which it is proposed to vest in these Consuls being of a general nature, and, in regard to seamen, coextensive with the European dominions of each Power, it may be useful to give to their consular functions a corresponding extent. Such an extension of the consular authority in an agent residing at the metropolis of the country to which he is appointed, and paid by his Government, would, it is presumed, be found advantageous to our commerce. It would certainly make them more adequate to the other duties which it is proposed to assign them. It may likewise be observed, in favor of the proposed allowance, that the experiment on this scale would afford useful light as to the policy of a general change of the system, when that subject is entered on.

I have the honor to be, with great respect, sir, your most obedient servant,

JAMES MONROE.

HON. WILLIAM LOWNDES,
Chairman Committee Ways and Means.

Great Britain allows to an Ambassador—

At Paris	-	-	-	£10,000
A house estimated at	-	-	-	1,000
An outfit	-	-	-	5,000
				<hr/> £16,000

At Vienna, St. Petersburg, and				
Madrid	-	-	-	10,000
In lieu of a house	-	-	-	1,000
Outfit	-	-	-	5,000
				<hr/> 16,000

At Constantinople and the Hague				9,000
At the first a house is found				
At the Hague, an allowance of	-	-	-	1,000
Outfit, half the salary	-	-	-	4,500
				<hr/> 14,500

At Berlin and Lisbon	-	-	-	8,000
A house	-	-	-	1,000
Outfit	-	-	-	4,000
				<hr/> 13,000

Envoy Extraordinary and Minister Plenipotentiary to the United States of America				6,000
Outfit	-	-	-	3,000
House	-	-	-	500
				<hr/> 9,500

Naples, same as the United States.				
Stockholm, Munich, and Copenhagen, each	-	-	-	5,000
Outfit, half the salary	-	-	-	2,500
House	-	-	-	500
				<hr/> 8,000

At Madrid, when I was there in 1805, the compensation to the French Ambassador was, I understood, a salary of 45,000 crowns; that to the Portuguese, 25,000.

It is understood that the salaries allowed by the Emperors of Russia and Austria, and by the King of Spain, are of the same grade; and that those of Prussia, Denmark, Sweden, and Holland, though lower than are given by the principal Powers, are higher than those given by the United States. A distinction is made between the salaries of Ambassadors and Envoys Extraordinary and Ministers Plenipotentiary; to the principal

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Courts Ambassadors are, for the most part, sent by the great Powers, and not Envoys Extraordinary and Ministers Plenipotentiary.

WASHINGTON, April 5, 1816.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, enclosing the resolution of the House of Representatives, instructing the Committee of Ways and Means to inquire into the expediency of increasing the annual allowance of Ministers of the United States at foreign Courts, and allowing annual salaries to the Consuls of the United States at foreign ports. In reply to your request for the communication of such information on that subject as my late residence abroad will enable me to furnish, I have the honor to state that, from my own experience, I am convinced that a considerable increase to the present allowance to our Ministers at London and Paris is highly expedient. From every circumstance which has come to my knowledge, the Court of St. Petersburg ought to be embraced by the proposed measure. The enclosed extract of a letter from Mr. Erving will show the propriety of extending the measure to the Court of Spain.

Annexed is a statement of the salaries of foreign Ministers at the different Courts of Europe as far as they have come within my knowledge.

The propriety of allowing annual salaries to the Consuls of the United States presents a question of more difficult solution. At present, the inducement to seek the appointment of Consul is the advantage which it confers in the prosecution of foreign trade. American Consuls are generally able to enter into partnership with the most respectable mercantile houses in the ports where they reside, without bringing anything into the firm except those advantages. It is manifest, therefore, that the strongest temptation will be presented to render their official acts subservient to the commercial interests of their foreign partners. It is more than probable that many of the abuses which were known to exist during the late European war, in relation to American papers, and which were seized as the pretext for the unprincipled spoliations committed by the belligerents upon American commerce, originated from this source. This view of the subject presents some inducement to allow American Consuls annual salaries, and for prohibiting them from all participation in trade. But the salary must be considerable, or it will be no equivalent for the restriction which ought to be imposed upon them. The commerce of the United States is now prosecuted in almost every part of the world. The number of Consuls necessary for the protection of this commerce would, with competent salaries, involve a very great annual expense. To allow salaries to none but the Consuls of the capitals of each maritime State would not remove the evil, because, in many cases, the capital is not the principal trading city of the country; and even where it is, there are, in every case, other trading cities in the same State where abuses may be

committed to the same extent. To reduce the number of Consuls, and to compel vessels, whether American or foreign, to have their papers authenticated by them, in order to obtain admittance into an American port, would present a temptation to foreign nations to make the same regulation with regard to American ports, which might give to the ports of one State an advantage over those of another; but this regulation would be no radical remedy of the evil intended to be removed. The prosecution of commerce under surreptitious papers is carried on most securely in ports which are not much frequented. It is generally carried on between the ports of foreign States, and not between foreign ports and those of the United States. These abuses will occur more extensively in time of European wars than in peace, and will not fail to produce great embarrassments to the fair and legitimate commerce of the United States.

There is, however, some reason to believe that the appointment of a Consul General to each of the principal commercial States, with a competent salary, invested with power to superintend the conduct of the other Consuls, and to make general regulations for their Government, subject to the sanction of the President, might be found beneficial. Residing at the capital, and carrying on an active correspondence with the different ports of the country, abuses would be more likely to be discovered and corrected than at present. If it shall be deemed expedient to give them annual salaries, a fund might be created by levying a small tonnage duty upon all American vessels which enter foreign ports. Where the duty collected in a port exceeds the salary, the surplus might be paid over to another Consul in the same State, where there was a deficiency.

This mode of compensation might be adopted, whether salaries are allowed or not; and there is but little doubt that it would be received as an equivalent for the right of carrying on trade. In this case, a minimum ought to be fixed. The surplus might be applied in aid of those whose emoluments were the most below that maximum.

I have the honor to be, &c.

WM. H. CRAWFORD.

Hon. JAMES MONROE, *Sec'y of State.*

Minister of France in the United States, 15,000 crowns.

The same to the third rate Powers in Europe.

To the secondary Powers in Europe, 25,000 crowns.

Ambassadors to the latter Courts, 50,000 crowns.

Ministers Plenipotentiary to the principal European Courts, viz: London, Vienna, St. Petersburg, and Constantinople, the same as Ambassadors at the secondary Court.

Under the Emperor, Ambassadors at the latter Courts were not limited in their expense.

English Ambassadors at Paris, £10,000.

English Ambassadors at Lisbon, £8,000.

Extract of a letter from George W. Erving to the Hon. William H. Crawford.

"The raising" of the salary there [St. Peters-

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burg.] would, I presume, be very proper, whoever might go; the including London and Paris in this liberal arrangement may also be proper; but why do they exclude Madrid? It is true that nobody has made any noise about the dearth of living at Madrid, for nobody has been there for ten years but myself, and, before my time, raising salaries was never contemplated as possible. In a great many points of view, Madrid may be considered as the most important mission; it is at this time the most difficult and laborious, and has the greatest and most delicate responsibility belonging to it; ought it in that view to be placed on a footing with Holland, Naples, Sweden, and Brazil? As to expense, I would undertake to prove that it is at least twenty-five per cent. dearer than London or Paris. The causes of this difference are evident; almost everything of superior excellence must be brought from France or England; no one attempts to live upon what is to be found in Spain; from the nature of society there, the *corps diplomatique* is necessarily crowded in upon itself; it makes its own society. This occasions a perpetual round of diplomatic dinners and entertainments, which are not to be avoided; for the same reason, all foreigners of distinction who arrive there are in some sort, as at Constantinople, dependent upon their Ministers for society; they are regularly introduced to such member of the *corps diplomatique*, and must be as regularly invited, &c. These, to say nothing of the change of residence, augment the expenses of a Minister terribly; in fine, he cannot retire—he must be always in evidence; and the more splendid, because he has to compete as it were with the grandees. Add to all these solid considerations, that it is a place, in every view, of *mal-aisé*, and, as I have found it heretofore, it may be again a post of personal danger. I do not write to the Secretary of State or the President on this matter, because I have made a general rule of never pressing upon them money considerations.

From the Hon. H. Clay to the Secretary of State.

WASHINGTON, April, 5, 1816.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant.

During my residence in Europe, my place of abode was so frequently changed, and it having been, moreover, principally at provincial towns, that I am not able to furnish much information on the subject of your letter, derived from my own personal experience. I was in London rather more than three months, and, expensive as I had previously understood that city to be, I found it in that respect greatly exceeding all my anticipations: and yet I kept no house, and was certainly not extravagant in my personal expenses.

My opinion of the style in which an American Minister ought to live is, that avoiding the meanness which provokes ridicule, and the ostentation which challenges observation, it should be one of neat simplicity, regulated by the habits of society in the country where he resides, and admitting

of the return of civilities and the dispensation to our respectable countrymen of expected hospitality. I believe the present salary wholly inadequate to sustain the expenses of such a style of living at most, if not all, the foreign Courts at which we have Ministers.

I can communicate to you no information of the salaries allowed by other Powers to their Ministers at foreign Courts, nor as to the propriety of allowing salaries to our Consuls.

I am, sir, with great respect, &c.

H. CLAY.

The Hon. JAMES MONROE.

Extract of a letter from Mr Barlow to the Secretary of State, dated

PARIS, Nov. 21, 1811.

I need not tell you how necessary it is to raise the salary if you do not mean either to ruin your Minister or injure your affairs. A man in this situation must either spend double his salary, or keep himself excluded entirely from society and from his duty. I naturally and habitually love simplicity, and have an aversion to luxury; but my duty requires that, in this respect, I should give up my own taste. I am determined, while I stay, to do my duty; and, to do this, I must spend at least fifteen (probably eighteen) thousand dollars a year. In this way I cannot stand it long, and you cannot expect to find many men in our country who are at once willing and able to do it, and who are fit for the place.

Pardon the frankness with which I speak on a subject on which I may appear more selfish than I really am, for I feel myself impelled to it by a sense of duty, and I am not without hopes that you will likewise feel it a part of your duty to use your influence to set this matter right.

Extracts from Mr. Adams's letters to the Secretary of State

LONDON, July 31, 1815.

It is needless to say to you, or to any person having been in the same capacity here, that the annual salary of an American Minister is insufficient to support a man with a family—I say not in the style of high official rank, but in the decency becoming a private gentleman.

SEPTEMBER 30, 1815.

An experience of the expense of living here for upwards of four months even under all the privations to which I have submitted, has confirmed me in the desire to be recalled as early in the Spring as the President may find it convenient to replace me, if, upon the construction of the law, the Legislature should refuse an appropriation for the outfit.

JANUARY 9, 1816.

With every expedient of economy that I find possible, I am living at an expense which, at the end of two years from my arrival in this country, would more than absorb the whole salary for those two years, even with the allowance for the outfit.

Militia Claims.

A very few years' residence here must involve my own affairs beyond all power of redemption.

Extracts of a letter from Mr. Adams to the Secretary of State.

JANUARY 4, 1816.

It is very desirable that some general revision of the consular establishments should be made, and some regular system concerning them be sanctioned by law. For the port of London a provision for the compensation of the Consul must be made, or the office must be given to some wealthy merchant established in the city, to whom it may be acceptable for the facilities of business which he may derive from it. Colonel Aspinwall cannot hold it long without a salary, or without a commercial establishment connected with it, and upon which alone he must rely for support.

In one of his late letters to me, (a copy of which has been transmitted to you,) Mr. Beasley expresses the conviction that the provision made by the laws of the United States for the relief of indigent and destitute seamen in foreign ports is liable to great abuse. The late and present excessive numbers of persons claiming the benefit of it, both at London and Liverpool, afford confirmations of that opinion; but, on the other hand, it is obvious that, with the increase of our commerce and navigation, the casualties incident to them must have proportionably multiplied. The opportunities and the chances of imposition must also be much greater, and require more caution to be guarded against in England than in any other country; and I believe it will be uniformly found, in a time of general European peace, that the duty of affording relief to the objects of this class really entitled to it, and that of discriminating between them and the impostors who would prey upon the fund allotted to this honorable purpose, will be the most arduous and important obligation of an American Consul. * * * Mr. Bourne, the Consul at Amsterdam, has also lately written to me on the same subject, and complains of similar charges. His claims for particular compensation to himself for his long services there, have been often made known to the Government.

The direct commerce between the United States and the port of London is comparatively small. The number of American vessels which come to it is inconsiderable. The official emoluments from year's end to year's end will not pay office rent and the wages of a single clerk. If the support and reconveyance to the United States of destitute seamen be made the duty of the Consul, some provision for the payment of the necessary expenses of this service must be made.

MILITIA CLAIMS.

[Communicated to the House, March 12, 1816.]

DEPARTMENT OF WAR, *March 7, 1816.*

SIR: In obedience to the resolution of the House of Representatives of the 21st ultimo, I

have the honor to transmit the enclosed documents.

In addition to the sum advanced to the State of Virginia by the Paymaster General, the sum of four hundred thousand dollars has been paid to that State, for expenses incurred by the employment of the militia in its defence. The claims of that State have been admitted on the ground that the Governor of Virginia was invested with discretionary power, by the War Department, to call forth the militia in such numbers as the emergency should require, and that the force actually employed was, at that time, not believed by the Secretary of War to be excessive. It is now believed that the number of militia kept in service, when compared with that called into the field by the President for the defence of Baltimore, against the same hostile force, which could be brought to act against the capital of Virginia from various points, was not beyond what the emergency required. The force here referred to, and the expense intended to be sanctioned, are those which the letter of the Commissioners, and the statement of the Adjutant General of that State, herewith enclosed, exhibit. The claims of North Carolina and Rhode Island have been sanctioned, because they are founded upon expenses actually incurred upon militia called out under the authority of the United States, or had received the sanction of that authority after they were called into service. The claims exhibited by Delaware and New Hampshire have been suspended until evidence shall be produced to show that the emergency was such as to require the service without waiting the intervention of the Executive authority of the Union.

The State of New York has exhibited claims for arms and ammunition furnished the militia, or captured by the enemy in our military depots; and also for additional pay allowed their militia when in the public service. The claims of Virginia embrace items of the former, and that of New Hampshire of the latter character. No decision has been made upon these claims; but it is believed that the powers of the Department do not extend to their liquidation and admission, without further legal provision for that purpose.

It is believed that no other State has presented any specific claim for money expended upon militia service during the war; but it is proper to state, that in the correspondence between the Governor of Massachusetts and the Secretary of War, it was distinctly declared, that reimbursement would not be made of any expenses incurred upon militia called into service by State authority, with the declared intention of excluding the authority of the United States over such militia force.

Time and reflection, so far from having changed the opinion then formed, have tended only to strengthen and confirm it. The several States have a right, in time of war, to raise and maintain regular troops: more strongly have they the right to employ their militia in military operations, where it can be done without infringing

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the rights of the National Executive over the same force. But it never can be admitted, that expenses incurred by raising and supporting regular troops can be a charge against the nation; and it is equally clear, that expenses incurred upon militia service, under State authority, with the declared intention of directing and controlling that force to the exclusion of the authority, can form no such charge. No claims of this nature will be recognised by the Executive branch of the Government, unless provision shall be made by law for that purpose.

I have the honor to be, your most obedient, and very humble servant,

WM. H. CRAWFORD.

Hon. HENRY CLAY, *Speaker.*

DEPARTMENT OF WAR,
Accountant's Office, Feb. 29, 1816.

SIR: I have the honor to state, in relation to the resolution of the honorable the House of Representatives directing the Secretary of War to lay before the House,

1st. A statement of the expenses incurred for the services of the militia called forth by authority of the United States during the late war.

2d. Statement of the accounts which have been exhibited, and claims which have been made, by the respective States for services rendered by the militia of said States, when called forth with or without such authority, together with the sums which have been paid, and the accounts and claims which have been allowed therefor, and in case the claims of any State or States have been rejected or allowed, to state the grounds of such rejection or allowance, designating for what services, and to what States respectively such sums have been paid, or accounts allowed, and designating also such items of claims as have been rejected in the cases where the calls were made by authority of the United States, and the grounds of such rejection.

That, in regard to the first clause of the resolution, the accounts of expenditures during the war have not been kept in a manner to designate what amount has been expended for militia, distinct from the regular army. According to the directions contained in the act of the 3d March, 1809, "further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," accounts of expenditures are kept, under each specific appropriation made for militia, after the year 1812; the whole expenses of the Military Establishment, including militia, having been included in the same appropriation, the expenditures have been made, and the accounts kept correspondently with the appropriations.

As it regards the other sections of the resolutions, I have to state that claims have been exhibited to this office by the States of Pennsylvania, Virginia, and North Carolina, Delaware and New Hampshire.

The amount claimed by the State of Virginia is \$1,029,319 95.

The amount claimed by the State of Pennsylvania is \$268,556 82.

The amount claimed by the State of North Carolina is \$56,513 29½.

The amount claimed by the State of Delaware is \$30,619 79.

The amount claimed by the State of New Hampshire is \$64,552 20.

These claims have not yet been acted upon definitively in this office, that part which relates to services referring itself in the first instance to the Paymaster of the Army, whose duty it is to discharge all claims in relation to the pay of the militia, and thereafter report them to this office, which has not yet taken place. What portion of these claims have been sanctioned by proper authority can only be ascertained on settlement.

It is not recollected that any claims of the respective States have been presented at this office, which have been rejected or allowed, and consequently no information can be furnished by me, in relation to that part of the resolution.

I have the honor to be, very respectfully, sir, your obedient servant,

TOBIAS LEAR.

The Hon. W. H. CRAWFORD.

ARMY PAY OFFICE,
Washington City, Feb. 27, 1816.

The Paymaster of the Army, to whom has been referred the resolution passed in the House of Representatives on the 21st ultimo, has the honor to report:

That sufficient data to enable him to ascertain, with a due degree of precision, the amount of "expenses incurred for the services of the militia called forth, by authority of the United States, during the late war," are not within his reach.

That from the immethodical manner in which the services have, on some occasions, been performed, many claims doubtless exist that have not yet made their appearance in a specific form; some detachments have been called into service and discharged therefrom without ever having been mustered, whilst the muster-rolls of others are so very imperfect as to render it utterly impossible to act on them and make payments.

That many claims are paid, the accounts of which have, in company with those of the regular army, been rendered to this office, and are in a due course of examination and final settlement; but, from their great magnitude, and from the laborious task this office necessarily has to perform, more time and more labor will be required to get through with the whole.

The many claims, to a vast amount, are now in actual train of adjustment and payment, throughout the whole country, from appropriations made during the present session of Congress.

That the manner in which the appropriations have, for a few years past, been made by Congress, did not require a separate and distinct account of expenditures upon militia to be kept from those of the regular army; and indeed, if it had been required, the nature of the service,

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particularly during a state of war, would have rendered it extremely difficult, if not totally impracticable.

It is to be understood that the foregoing statement relates to such services of militia only, as have been performed in virtue of orders issued by the Executive of the United States, or being performed without those orders, have been recognised by that authority, and payments sanctioned accordingly.

That so far as relates to expenditures by States themselves upon their own militia, independent of the sanction or authority of the General Government, the Paymaster of the Army is in possession of no official information. It is true, however, that two claims partly of this character have, not long since, been presented here, and advances, by special direction of the honorable the Secretary of War, have been made by me upon them: one to the State of Virginia, of two hundred thousand dollars, and another to the State of Rhode Island, of not quite twenty-two thousand dollars; but then these services were, as I understood, recognised by the United States, so that they partook but in part of the nature of those alluded to, namely, that they have been paid from the funds of those States, respectively, which, when the services were thus recognised, the United States were bound to reimburse.

Respectfully,

ROBERT BRENT, *Paymaster.*

HON. WILLIAM H. CRAWFORD,
Secretary of War,

WASHINGTON, D. C., Jan. 14, 1815.

SIR: This note has been delayed by the expectation of some explanatory documents from Richmond. We have now the honor of submitting to you the grounds on which we expect the President's sanction to the calls of militia which were made by the Governor of Virginia for the defence of Richmond in August and September, 1814; being the only calls, as we understand, of the propriety of which a doubt is entertained, in the Department of War.

It is to be remembered that Richmond is assailable by the channels both of York and James rivers, within eight and forty hours after the enemy's squadron shall have entered our Capes. Arnold, during the Revolutionary war, had that city in flames, within twenty-four hours after the first notice of his approach. Hence the utter impracticability of announcing the approach to the President, and receiving his instructions in time to call forth the militia to an effectual defence. The enemy could have entered Richmond before an express could return from Washington. Hence it is obvious, that against a maritime enemy, like Great Britain, a place so situated is defensible in only one or two modes, either by keeping a standing force before it, equal to any force which the enemy could lead to the assault, or by vesting the Executive of the State with the discretionary power of calling forth the militia in such numbers as to meet the particular emergency, what-

soever it might be. The latter course was adopted by the President of the United States in relation to Richmond. We do not say that any instruction to this effect was given to the Governor of Virginia previously to the calls in the month of August; but the letters of the Secretary of War to the Governor of Virginia immediately thereafter, and indeed almost contemporaneously, do, in the most explicit manner, ratify that course of action; and a subsequent ratification, we understand, is equal to a prior command. Thus, in the Secretary's letter of the 31st of August, (herewith, numbered 1,) written after the destruction of Washington, he announces the descent of the enemy's barges down the Patuxent, and the reason given for the communication is, because it might have a bearing on the Governor's arrangements for his section of the country; but what those arrangements were to be, instead of being defined, is left exclusively to the discretion of the Governor. The same gentleman, in his letter of the next day, (September 1, No. 2,) apprizes the Governor that Richmond was known to be one of the enemy's objects, and closes his letter with these emphatic words: "Be on your guard, prepared at every point, and in all circumstances, to repel the invaders." In what light is it possible to construe these words, but as a clear and explicit recognition of the principle that the General Government placed the defence of the State of Virginia and its metropolis at the discretion of its Governor? The letter, of which we have just quoted an extract, was followed by the President's proclamation of the 3d of September, calling, in terms which no American bosom could resist, upon all officers, civil and military, and upon the nation, to rise to arms, and exterminate the ferocious and sanguinary invaders.

The effect of such a proclamation on such a State as Virginia will be easily conceived by you, sir, when you come to re-peruse the terms of the proclamation and bear in mind the character of the State which you so well know. The shock was electric and universal. The commonwealth rose *en masse*. Her mountains, fields, and forests, poured forth their armed multitudes, who rushed from all directions to surround and cover their metropolis from British outrage and pollution, and chastise the insolence which had just triumphed over Washington. It was, no doubt, the presence of this numerous concourse at Richmond, or upon their march to it from the country, which has produced the impression that the Governor had made an indiscreet use of the power of defence with which he was intrusted. But this is not the fact. The concourse of which we have spoken forms no part of the charge which we now have against the United States. They were not kept in arms. Their services were not accepted. It was, indeed, with infinite difficulty, and infinite address on the part of the Governor, and with the most painful reluctance, and even tears of regret on theirs, that the generous impulse which had brought them together could be so far repressed as that they could be prevailed upon to return to their homes, and trust the defence and

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honor of the State to the troops which the Governor had already embodied. But they did return; the sense of duty and order, which forms a no less honorable part of their character than their ardor of patriotism, prevailing over every consideration of personal feeling.

The next direction which the Governor received from the Department of War, was the Secretary's letter, herewith, (No. 3.) of the 6th of September, announcing that the enemy had received a reinforcement at the mouth of Patuxent, that the united squadrons were descending the bay, that Richmond was one of their objects, and repeating again the solemn injunction, "be prepared to meet the enemy." Thus, in every instance, the Governor of Virginia is thrown by the General Government upon his own energies and own judgment, without any notification of the enemy's strength, or the quantum of resistance which it would be expedient for him to call into the field.

To meet the advance guard, as it may be called, of the same enemy, the President of the United States, acting with the advice of his council, had made a call in the month of June or July, unless we are misinformed, of fifteen thousand men. To meet the united squadrons at Baltimore, we are advised that from eighteen to twenty thousand men were called to the defence of that place. To meet the same enemy, at the same crisis, the Governor of Virginia had never in the field more than between eleven and twelve thousand men.

We hand you, herewith, the several general orders calling out troops on the occasion of the first approach of the enemy within our Capes, as also after the fall of Washington, numbered 4, 5, and 6, and submit it with confidence to your judgment, whether these calls can be considered as indiscreet. Whether you take the standard of the call for Washington, or that for Baltimore; or consider the accessibility of Richmond, by the channels either of York or James river, and the consequent necessity of guarding, with equal strength, both those avenues of approach—of guarding them, too, with raw militia against veteran and highly disciplined troops, inured to victory;—it seems very clear that those calls, if censurable at all, are rather censurable for their moderation than their excess.

To these documents, we will add only a letter from the Secretary of War, of the 21st September, written with a full knowledge of all our preparations, and when they were at the highest; in which letter, so far is he from censuring the magnitude of those preparations, that he is considered thereby as having approved and sanctioned them. If this construction be right, there will be no occasion, we trust, of giving you any further trouble on this branch of the claims of Virginia for reimbursement.

We are, sir, very respectfully, &c.

WILLIAM WIRT,
JOHN CHEW.

Hon. WM. H. CRAWFORD,
Secretary of War.

Statement of the number and positions of the Troops embodied by the Executive of Virginia, and actually in the field about the middle of September, 1814.

Names of commanding officers.	Aggregate of cavalry.	Aggregate of artillery.	Aggregate of riflemen & infantry.	Total number.	Station.
Maj. Gen. John Pegram	-	76	1,254	1,330	The vicinity of Petersburg.
Same	-	-	365	365	Fort Powhatan.
Col. Thomas M. Randolph	-	160	413	573	Worronigh Church.
Colonel Moses Green	-	118	242	360	Charles City Court-house.
Brig. Gen. John H. Cocke	-	177	2,237	2,414	Camp Carter.
Brig. Gen. Chamberlayne	-	-	919	919	Bottom's Bridge.
Brig. Gen. Breckenridge	-	-	1,760	1,760	Camp Mitchell.
Brig. Gen. Lefwick	-	103	1,831	1,934	Camp Mims.
Colonel Ambler	-	-	392	392	City of Richmond.
Major Woodford	650	-	-	650	Some of these cavalry were on vidette duty, and the others were distributed among the several corps of the army.
Aggregate, &c.	650	634	9,413	10,697	

It is difficult to ascertain the number of the troops on any given day previous to the 15th of September. Many of them were discharged immediately upon their arrival, and before they were organized upon any regular plan, or reports could be received from them. This was particularly the case with the cavalry. Of this species of force it was found that the Governor's proclamation and the general orders of the 26th of August had brought into the field a larger proportion than was necessary; consequently, on the 12th of September, seventeen troops were discharged, of which eight were volunteers, and the residue draughts.

Captain Prosser's troop of cavalry was called into service on the 26th August, and performed vidette duty between Richmond and Washington City until the 10th of September, when it was discharged.

Colonel Boykin took the field on the 29th of August, with about eight hundred men, and con-

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tinued in service until the 13th September. He was stationed at Cabin point, on James river.

The foregoing statement and remarks relate to the measures adopted by the Executive of Virginia for the defence of Richmond, Petersburg, and the shores of York and James river, together with such points of our maritime frontier as could be protected by that force; due regard being had to the safety of the Metropolis.

The situation of the other exposed parts of Virginia will be seen by an examination of the letters from the commanding officers in those parts.

G. W. GOOCH, *Adj. Gen., Va.*

No. 1.

WAR DEPARTMENT, *Aug. 31, 1814.*

SIR: We have this moment received information, the correctness of which is not doubted, that the enemy evacuated Nottingham yesterday, at 10 o'clock. The barges moved down about 4 o'clock. It is believed that they embarked from Benedict last evening and this morning. I give this notice for your information as early as possible, as it may have a bearing on your arrangements for the defence of your section of the country.

I have the honor to be your Excellency's most obedient servant,
JAMES MONROE.

His Ex'cy, J. BARBOUR,
Governor of Virginia, Richmond.

No. 2.

WAR DEPARTMENT, *Sept. 1, 1814.*

SIR: The enemy have embarked on board their vessels on the Patuxent, and will, as I presume, in execution of their desolating system, proceed immediately to some other of our principal towns. Richmond is known to be one on which they have fixed their attention; Norfolk and Baltimore are others. Against which they will move, in the first instance, will probably not be known, until they land their men in a marked direction towards it.

Be on your guard, prepared at every point, and in all circumstances, to repel the invaders.

I have the honor to be your obedient servant,
JAMES MONROE.

The GOVERNOR of the
State of Virginia, Richmond.

A copy of the original.

G. W. GOOCH, *Adj. Gen., Va.*

No. 2.

DEPARTMENT OF WAR, *Sept. 6, 1814.*

SIR: I am sorry to inform you that the enemy's squadron has passed our battery, at the White House, on the Potomac river. It was impossible to collect such a number of heavy pieces, in the present state of affairs here, as to prevent it.

The fleet which had descended the Patuxent, with the troops on board, lately employed against this city, and a reinforcement since received, which

had paused at the mouth of that river, on account, as was supposed, of the detention of this squadron, descended the bay yesterday, either for the Potomac or some other object lower down the bay. As it doubtless will immediately know that the squadron has passed our battery, it may proceed to such other object; which must be, I presume, if it has one in the bay, either Norfolk or Richmond.

I hasten to give you this intelligence, that you may be prepared to meet the enemy, should they present themselves at either place.

I have the honor to be, respectfully, sir, your obedient servant,
JAMES MONROE.

His Ex'cy the GOVERNOR OF VIRGINIA.

No. 4.

DEPARTMENT OF WAR, *Sept. 10, 1814.*

SIR: The enemy has passed down the bay, out of sight, below Annapolis. It may be presumed that they will attack either Richmond or Norfolk.

The force collected near Richmond is, I trust, fully adequate to its defence.

Norfolk, General Porter writes me, is not so well prepared. Cannot some additional force be thrown in to its aid? I fear the reinforcement from North Carolina will not arrive there in time.

I have the honor to be, very respectfully, sir, your obedient servant

JAMES MONROE.

His Ex'cy the GOVERNOR OF VIRGINIA.

WAR DEPARTMENT, *Oct. 6, 1814.*

SIR: For the expenditure attending the militia who have been called into the service of the United States by this Department, or the commander of the military district No. 5, the United States are regularly chargeable.

For any advances made by the State of Virginia, for the support of such troops, reimbursement is of course due.

No call of the militia, except in the modes above stated, is obligatory on the United States. In the case under consideration, it is true, that the call made by the Executive of the State was notified to this Government, with a request that the militia might be taken into the service of the United States. This, however, does not remove the objection to the right in a State, at its discretion, to subject the United States to such expenses.

The President is aware that the predatory incursions of the enemy, and the menace of a more serious attack on the principal cities along our seaboard, made an extra call of militia, in certain cases, necessary. Whether the troops which were called into service by the Executive of Virginia, for the defence of Richmond, are more than were necessary for the purpose, is a question which could not be immediately decided: it will be attended to as soon as circumstances will admit. In making the decision, regard must be had to just principles, taking into view similar claims of other States.

For the present, I am authorized to state that

Claim for Prize Money.

one hundred thousand dollars will be advanced to the Executive, on account of money paid by it in support of the troops in the service of the United States, in the first instance, and the balance on account of the other claims alluded to, which are hereafter to be adjusted.

On the proposition to take the militia now assembled for the defence of Richmond into the service of the United States, I have to state that it will be acceded to as to four thousand of these troops, provided the Executive of the State should be of opinion that they may be, in the present less menacing posture of the enemy, spared from their present service, to be employed between this and Baltimore, in lieu of a like number lately called from the State for that purpose.

I have the honor to be, very respectfully, sir, your obedient servant,

JAMES MONROE.

Hon. CHARLES EVERETT.

CLAIM FOR PRIZE MONEY.

[Communicated to the Senate, December 28, 1815.]

WASHINGTON, Dec. 20, 1815.

SIR: In support of the petition presented to the honorable the Senate of the United States, and referred to their honorable Naval Committee, praying remuneration to those interested, for the captures made by the late United States brig *Argus*, under the command of my late brother William H. Allen. I have the honor to present, herewith, a letter from Benjamin Homans, Esq., of the Navy Department, to me, with a chart of the track of the *Argus*, and a list of the vessels she captured, &c., and the documents that were found on board those vessels.

The chart shows the course of the *Argus* from L'Orient, up the western coast of Ireland, into the river Shannon, and thence round into St. George's Channel, where she was captured. The red letters on the list of vessels indicate the time and place of their capture on the chart.

It appears, upon examination, that no invoices were found on board the captured vessels; those appertaining to the vessels bound coastwise were probably sent overland by mail; but I am unable to account for the absence of the others; the bills of lading that were signed were probably likewise sent by mail; and the bills of lading and custom-house documents herewith, are the only or chief means by which an estimate of the value of the cargoes can be formed. Lieutenant Watson, of the *Argus*, on his return from England to this country, delivered at the Navy Department a report respecting the value, &c., of these vessels and their cargoes, which he estimated at about three millions of dollars, as will be seen by referring to the letter from Mr. Homans. I cannot find this report, and Lieutenant Watson is absent from this country. His means of ascertaining their value from the officers of the captured vessels, and while in England, were much greater

than the papers presented herewith alone afford; but, unwilling to overrate the amount, and in order to make adequate allowance for such an error, should there be any in this report, I have thought best to state the sum in the petition at five hundred thousand dollars less than is expressed in his report.

I made application at the Navy Department for the log-book of the *Argus*, which, perhaps, contains some information of importance on the subject, but it has not yet been found; as soon as it is discovered, I shall beg leave to add the evidence it may afford to that presented now.

Some of the vessels taken were very valuable, and among them were those from the West Indies. The cargo of the *Bedford* alone (with Irish linen, &c., from Dublin for London) would have brought in this country nearly one million of dollars.

I have not been able to ascertain of what kind or quality were the goods chiefly composing the cargo of the brigantine *Ann*; but they were most probably linen manufactures, and, if fine, were very valuable. I have written to ascertain their character from Dennison, the Purser of the *Argus*, who is at Baltimore. The schooner *Matilda* and ship *Betsey* were the vessels recaptured by the enemy.

The schooner *Salamanca*, captured on the passage from this country to France, was an armed Government vessel, as her papers show; and the principle upon which awards have already been made for the destruction of the national vessels of the enemy, applies fully to her. And what prevents the application of the same principle where the commerce of the enemy has been destroyed? As having reduced the actual power of the enemy, the capture of a few of their national vessels cannot be considered of much importance, their whole number being so great, and the means of replacing those that were lost so extensive, it can only be justly prized as having lessened the naval reputation of the enemy while it increased our own, and raised the glory of the nation. Aside from this last consideration, the demolition of the enemy's instruments of annoyance gives claim to no greater reward than the destruction of the means by which those instruments are obtained. A nation cannot long support a war, from which the means are taken that enabled her to operate against an enemy; but leave her the means, and she will always be armed, being at all times able to replace her losses. To attack the commerce of the enemy was, therefore, the best mode of wounding her, and upon that conviction were the orders to my brother predicated; in which the honorable Secretary of the Navy observes, "in no way can the enemy be made to feel our hostility so effectually, as by annoying and destroying his commerce, fisheries, and coasting trade; this would carry the war home to their direct feelings and interests, and would produce an astonishing sensation." And the sequel demonstrated that hostility in that form was far more dreadful and destructive to her interests than any other which it could assume.

In another view, the claim of the subject to

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consideration is at least as strong. A law of the United States gives to captors the moiety of their captures; and I believe the position is correct, that the property in them vests the moment they are captured. But the power to convert such property before condemnation is not possessed either by the United States or the captors; and the United States have no greater authority to dispose of it, either before or after condemnation, than is enjoyed by the captors. My late brother was, therefore, compelled by his orders to destroy what actually belonged in part to himself and his crew; and the Executive authority having exercised the power of directing the disposal of those captures in a way that deprived the captors of their property in them, they have, it is humbly conceived, a just claim upon the United States for indemnity. There is something accruing, under existing laws, for the guns and men captured, but the amount is very small.

The continued loss of sleep, together with the excessive fatigue consequent upon such a rapid succession of captures, and the extreme watchfulness necessary in so exposed a situation, disabled the *Argus* from making so great a resistance to her more powerful enemy as she might otherwise have done. And although victory hung no laurels over the tombs of those who fell, nor on the brows of the survivors, their misfortune has not sullied the fame of our arms, nor diminished their title to the remembrance of their country.

With the strongest conviction of the justice and liberal sentiments of the honorable gentlemen of the Senate, to whose consideration this subject has been referred, I shall look with confident hope to a favorable result.

I have the honor to be, with great respect, sir, your obedient humble servant,

THOMAS J. ALLEN,
Attorney and agent.

The Hon. CHARLES TAIT,
Chairman Com. on Naval Affairs.

NAVY DEPARTMENT, Dec. 13, 1815.

SIR: I have the honor to transmit to the Naval Committee of the Senate, in compliance with your request of the 8th instant, the several papers herewith, marked A and B. The papers marked A contain a list of all the merchant vessels captured by the public armed ships of the United States during the late war, and subsequently destroyed at sea in obedience to the orders of this Department to that effect.

The papers marked B contain the orders, and extracts from such parts of orders, to the commanders of the ships and vessels of war under which the vessels captured were destroyed at sea.

Those captured vessels which were sent to the United States, and arrived safely, are not included, nor those which were manned for the United States, or friendly ports in Europe, and afterwards recaptured, with a number of others which were liberated as cartels; the list being exclusively confined to the captured vessels destroyed, as far as the journals and reports have been made to

this Department by the several commanding officers.

I have the honor to be, very respectfully, sir, your obedient servant,

B. W. CROWNINSHIELD.

The Hon. CHARLES TAIT,
Chairman Naval Com. of Senate.

A.

Statement of all the vessels, other than vessels of war, which were taken and destroyed by the Navy of the United States, during the late war with Great Britain.

By the frigate *Essex*—Brig *Hero*, August 2, 1812; brig *Mary*, August 9, 1812; schooner *Elizabeth*, December, 1812; ship *Greenwich*, May 28, 1813; ship *Hector*, May 28, 1813; ship *Catherine*, May 28, 1813.

By the frigate *Constitution*—Brig *Lady Warren*, August 11, 1812; brig *Adeona*, August 12, 1812; schooner *Phoenix*, February 18, 1814; brig *Catharine*, February 19, 1814; brig *Lord Nelson*, December 24, 1814.

By the frigate *President*—Brig *Traveller*, July 2, 1812; brig *Duchess* of *Portland*, July 4, 1812; brig *Jean and Ann*, July 12, 1813; brig *Daphne*, July 18, 1813; brig *Alert*, July 29, 1813; ship *Wanderer*, January 5, 1814; ship *Edward*, January 9, 1814; schooner *Jonathan*, January 9, 1814.

By the corvette *Adams*—Schooner *Prince Regent*, January 29, 1814; schooner *Industry*, February 9, 1814; schooner *Nayntim Fairy*, March 4, 1814; brig *Mentor*, June 24, 1814; brig *Mary*, June 28, 1814; schooner *Favorite*, July 28, 1814; ship *Paris*, August 7, 1814; schooner *Maria*, August 16, 1814.

By the frigate *Chesapeake*—Brig *Liverpool Hero*, January 14, 1813.

By the sloop-of-war *Wasp*—Barque *Neptune*, June 2, 1814; brig *William*, June 13, 1814; brig *Pallas*, June 18, 1814; ship *Orange Boven*, June 26, 1814; brig *Regulator*, July 4, 1814; schooner *Jenny*, July 6, 1814; brig *Lettice*, August 30, 1814; brig *Bon Accord*, August 31, 1814; brig *Mary*, September 1, 1814; brig *Three Brothers*, September 12, 1814; brig *Bacchus*, September 14, 1814.

By the sloop-of-war *Peacock*—Brig *Sea Flower*, June 17, 1814; brig *Stranger*, July 5, 1814; sloop *Fortitude*, July 5, 1814; brig *Venus*, July 5, 1814; sloop *Leith Packet*, August 1, 1814; sloop *William and Ann*, August 2, 1814; sloop *Peggy and Jane*, August 3, 1814; barque *William*, August 14, 1814; brig *Bellona*, August 21, 1814; brig *Triton*, August 23, 1814; brig *Duck*, September 2, 1814; ship *Mary*, October 12, 1814; ship *Union*, June 13, 1814; ship *Brio de Mar*, June 29, 1814.

By the brig *Siren*—Ship *Barton*, May, 1814; brig *Adventurer*, May, 1814.

By the sloop-of-war *Hornet*—Brig *Resolution*, February 4, 1813.

By the brigs *Rattlesnake* and *Enterprise*—Brig *Rambler*, February 7, 1814.

Claim for Prize Money.

By the sloop-of-war Frolic—Brig Little Fox, March 17, 1814; schooner —, April 3, 1814.

By the brig Rattlesnake—Brig John, June 10, 1814; brig Crown Prince, June 22, 1814.

By the brig Argus—Schooner Salamanca, brig Richard, brig Fowey, sloop Lady Frances, brig Alliance, ship Barbadoes, ship Mariner, sloop John and Thomas, sloop Dinah and Betsey, brig Ann, ship defiance, brig Baltic, and brig Bedford. The precise time of capture of these vessels is not known; it, however, occurred about the beginning of August, 1813.

RECAPITULATION.

Essex - - - - -	6
Constitution - - - - -	5
President - - - - -	8
Corvette Adams - - - - -	8
Chesapeake - - - - -	1
Wasp - - - - -	11
Peacock - - - - -	14
Siren - - - - -	2
Rattlesnake and Enterprise - - - - -	1
Frolic - - - - -	2
Rattlesnake - - - - -	2
Argus - - - - -	13
Hornet - - - - -	1
Total - - - - -	74

NAVY DEPARTMENT, June 5, 1813.

SIR: When the honorable Mr. Crawford, Minister Plenipotentiary from the United States to France, is ready for departure, you will receive him and his suite on board, and proceed, with the first favorable opportunity, to sea, directing your course, without deviating for any other object, to the first port in France. In all probability you will find Brest or L'Orient the easiest of access; but should you have an opportunity of landing the Minister, on any part of the coast of France, you may thereby avoid much risk in attempting to enter a port before which you may find a hostile squadron. But in whatever way you may effect the first object of your destination, you will then proceed upon a cruise against the commerce and light cruisers of the enemy, which you will capture and destroy in all cases; unless their value and qualities shall render it morally certain that they may reach a safe and not distant port. Indeed, in the present state of the enemy's force, there are very few cases that would justify the manning of a prize; because, the chances of reaching a safe port are infinitely against the attempt, and the weakening the crew of the Argus might expose you to an unequal contest with the enemy.

It is exceedingly desirable that the enemy should be made to feel the effects of our hostility, and of his barbarous system of warfare; and in no way can we so effectually accomplish that object, as by annoying and destroying his commerce, fisheries, and coasting trade. The latter is of the utmost importance, and is much more exposed to the attack of such a vessel as the Ar-

gus, than is generally understood. This would carry the war home directly to their feelings and interests, and produce an astonishing sensation.

For this purpose, the cruising ground from the entrance of the British channel to Cape Clear, down the coast of Ireland, across to, and along the northeast coast of England, would employ a month or six weeks to great advantage. The coasting fleets on this track are immensely valuable; and you would also be in the way of their West India homeward fleet, and of those to and from Spain, Portugal and the Mediterranean. When you are prepared to leave this ground, you may pass round the northwest of Ireland, towards Fair Island passage, in the track of the Archangel fleets, returning home in August and September.

When it shall be absolutely necessary to return home, you will pursue such route as may best promote the objects of your cruise, and endeavor to make some Eastern port; perhaps Portsmouth may be as easy of access, and as convenient, in other respects, as any other.

On your arrival in France you will, with the aid of Mr. Crawford, be better able to form an opinion of the expediency of attempting to send prizes into France, or of touching there to replenish your stores in order to protract your cruise.

Your own disposition, and the amiable character of the Minister, insure to him the kindest attention on your part; and I am persuaded that you will derive the most ample gratification from such an intercourse. Your talents and honorable services are deeply impressed upon this Department, and will not cease to excite its attention.

Wishing you a prosperous and honorable cruise. I am, very respectfully, your obedient servant,

WM. JONES.

Lieutenant WM. H. ALLEN,
Commanding U. S. brig Argus.

Extract of a letter from the Secretary of the Navy to Captain Charles Stewart, commanding the United States' frigate Constitution, dated September 19, 1813.

The commerce of the enemy is the most vulnerable point we can attack, and its destruction the main object; and to this end all your efforts should be directed. Therefore, unless your prizes shall be very valuable, and near a friendly port, it will be imprudent, and worse than useless, to attempt to send them in; the chances of recapture are excessively great; the crew, and the safety of the ship under your command, would be diminished and endangered, as well as your own fame, and the national honor, by hazarding a battle after the reduction of your officers and crew by manning prizes. In every point of view, then, it will be proper to destroy what you capture; except valuable and compact articles, that may be transhipped.

This system gives to one ship the force of many; and, by granting to prisoners a cartel, as sufficient numbers accumulate, our account on that head will be increased to our credit, and not only facilitate the exchange, but insure better

Claim for Prize Money.

treatment to our unfortunate countrymen who are, or may be, captured by the enemy.

Extract of a letter from the Secretary of the Navy to Master Commandant George Parker, commanding the United States' brig Siren, dated December 8, 1813.

Your own observation must have proved to you how precarious and uncertain is the prospect of getting prizes into a friendly port; and that the manning of a few prizes will soon terminate your cruise, and diminish your force so as to jeopardise the safety of the *Siren*, and your own reputation, by a chance conflict with an enemy, *nominally* your equal, but fully manned. With every patriotic officer private motives will yield to considerations of public good; and as the great object and end of our public force is to harass and distress the enemy, and as the most effectual annoyance is the destruction of his trade and commerce, it ought to be the ruling principle of action with every commander.

A single cruiser, if ever so successful, can man but a few prizes, and every prize is a serious diminution of her force; but a single cruiser, destroying every captured vessel, has the capacity of continuing, in full vigor, her destructive power so long as her provisions and stores can be replenished, either from friendly ports or from the vessels captured.

Thus has a single cruiser, upon the destructive plan, the power, perhaps, of twenty, acting upon pecuniary views alone; and thus may the employment of our small force, in some degree, compensate for the great inequality compared with that of the enemy. Considered even in a pecuniary point of view, the chances of the safe arrival of the prize are so few, and of recapture by the enemy, so many, that motives of interest alone are sufficient; but when we consider that it is, in all probability, consigning the prize crew to a loathsome prison, in the hands of a perfidious and cruel enemy, every just motive will combine to urge the destruction, rather than the manning, of every prize.

The American people and Government have given abundant proof that they are deficient neither in gratitude nor generosity. I, therefore, strenuously urge and order the destruction of every captured vessel and cargo, unless so near to a friendly port as to leave little doubt of safe arrival, or that the merchandise shall be so valuable and compact as to admit of transshipment, without injury to the vessel under your command, or to the public service.

Extract of a letter from the Secretary of the Navy to Master Commandant John Orde Creighton, having under his command the United States' brigs Rattlesnake and Enterprise, Lieutenant Commandant James Renshaw, dated December 22, 1813.

The great object, however, is the destruction of the commerce of the enemy, and bringing into port the prisoners, in order to exchange against our unfortunate countrymen who may fall into his

hands. You will, therefore, man no prize, unless the value, place of capture, and other favorable circumstances, shall render her safe arrival morally certain. As the ransoming of British vessels is prohibited by a statute, and the ransom bonds declared void, you will not agree to the ransoming of any prize. The enemy has also, in violation of his own agreement, and of good faith, refused to recognise cartels granted at sea; you will, therefore, grant no cartel, nor liberate any prisoners, unless under circumstances of extreme and unavoidable necessity.

Be assured, sir, that the confidence of our country cannot be enhanced by any new achievements of our gallant Navy; it is now entire, and the services of an officer will now be estimated by the extent of the injury he may inflict upon the vital interest of the enemy in the destruction of his commerce.

[Instructions, the same as the preceding to Captain Creighton, were given, January 6, 1814, to Master Commandant Joseph Bainbridge, commanding the United States' sloop of war Frolic.]

Extract of a letter from the Secretary of the Navy to Master Commandant Lewis Warrington, commanding the United States' sloop-of-war Peacock, dated

FEBRUARY 26, 1814.

You will therefore, sir, unless in some extraordinary cases that shall clearly warrant an exception, destroy all you capture; and by thus retaining your crew, and continuing your cruise, your services may be enhanced tenfold. The service you may render your country will be estimated by the extent of the injury you may inflict upon its implacable enemy; and this will be best accomplished in the annoyance and destruction of its commerce, from which no other object should be suffered to divert your attention for a moment. With this view, as well as from the rational and obvious policy opposed to this practice, I have it in command from the President, strictly to prohibit the giving or accepting, directly or indirectly, a challenge to combat ship to ship.

Extract of a letter from the Secretary of the Navy to Master Commandant Johnson Blakely, commanding the United States' sloop-of-war Wasp, dated

MARCH 3, 1814,

If the qualities of the *Wasp* are such as I feel confident they will prove to be, you cannot fail to make a brilliant and productive cruise. Your own sound judgment and observation will sufficiently demonstrate to you, how extremely precarious and injurious is the attempt to send in a prize, unless taken very near a friendly port, and under the most favorable circumstances. A failure of success places our unfortunate seamen in the hands of the enemy, diminishes your means of achieving honor to yourself and glory to your country, curtails your cruise, and subjects you to the unequal attack of a foe, nominally your equal, but fully manned. Hence, it is evident, that policy, interest, and duty, combine to dictate

Capture of the Penguin.

the destruction of all captures, with the above exceptions. It is a great object with the enemy to capture and detain in prison, our seamen; and this can only be counteracted by capturing and bringing into port an equal number; this is an object of great national importance; the releasing at sea on parole, though practised by all civilized nations, is utterly disregarded by our enemy.

[Instructions relative to the disposition of captures, the same as the preceding, were given, March 16, 1814, to Master Commandant Charles D. Ridgely, commanding the United States' sloop of war Erie.]

Extract of a letter from the Secretary of the Navy to Captain Charles Stewart, commanding the United States' frigate Constitution, dated

NOVEMBER 29, 1814.

Having, on former occasions, urged the superior policy and advantage of destroying the captures you may make, in preference to the hazardous attempt to send them in, unless in the vicinity of a friendly port, and in the case of very valuable and fleet sailing prizes, I need not now dwell upon that subject.

Daily experience, and the grievous complaints of the merchants of Great Britain, sufficiently attest the efficacy of the system. Should you touch at any friendly port for succors, you will observe the strictest economy, and put to sea again with the least possible delay. The general instructions you have from time to time, received from this Department, and your own experience, will supersede the necessity of further details, and, in the event of any casualty, or occurrence, which, in your judgment, may render a deviation from these instructions indispensable to the public interest, you will act accordingly, still adhering, as near as may be, to their general spirit and intention.

[Instructions, similar to the preceding, were given, 30th November, 1814, to Captain Charles Morris, commanding the United States' frigate Congress.]

Extract of a letter from the Secretary of the Navy to Captain David Porter, commanding a squadron of small vessels at New York, dated

NOVEMBER 30, 1814.

Having already given to you the necessary instructions for procuring, arming, equipping, and manning the five vessels destined for your command, you will, as soon as the squadron shall be ready for sea, proceed upon a cruise in the West Indies, where you will employ your force, either collectively or separately, in annoying and destroying the commerce of the enemy, which the nature of your force, seconded by your judgment and enterprise, will, I trust, enable you to execute, as well in his harbors as at sea, and upon a scale so extensive as to make him participate deeply in the evils which he has inflicted upon our prosperity.

[Instructions similar to the preceding to Captain Porter, were given the same day, November 30, 1814, to Captain Oliver H. Perry, commanding another squadron of small vessels.]

CAPTURE OF THE PENGUIN.

[Communicated to the House, December 21, 1815.]

NAVY DEPARTMENT, Dec. 21, 1815.

SIR: In compliance with your request, in behalf of the honorable Committee upon Naval Affairs, I have the honor to transmit to you, herewith, copies of letters from Captain James Biddle, of the United States ship Hornet, dated March 25th, and April 8th, 1815, addressed to Commodore Stephen Decatur, as commander of the squadron destined to cruise in the Indian seas; which contain all the information in the possession of this Department relative to the capture of the British sloop of war Penguin.

I have the honor to be, with the highest respect, your most obedient servant,

B. W. CROWNINSHIELD.

Hon. JAMES PLEASANTS, JUN.,
Chairman Naval Committee.

UNITED STATES' SLOOP HORNET,
Off Tristan D'Acunha, March 25, 1815.

SIR: I have the honor to inform you that, on the morning of the 23d instant, at half past ten, when about to anchor off the north end of the island of Tristan D'Acunha, a sail was seen to the southward and eastward, steering to the westward, the wind fresh from S. S. W. In a few minutes, she passed on to the westward, so that we could not see her for the land. I immediately made sail to the eastward, and shortly after, getting sight again, perceived her to be up before the wind; I hove to for her to come down to us. When she had approached near, I filled the main-top-sail, and continued to yaw the ship, while she continued to come down, veering, occasionally, to prevent her passing under our stern. At forty minutes past one, P. M., being nearly within musket shot distance, she hauled her wind on the starboard tack, hoisted English colors, and fired a gun. We immediately luffed to, hoisted our ensign, and gave the enemy a broadside. The action being thus commenced, a quick and well directed fire was kept up from this ship, the enemy gradually drifting nearer to us, when, at fifty-nine minutes past one, he bore up, apparently to run us on board. As soon as I perceived he would certainly fall on board, I called the boarders, so as to be ready to repel any attempt to board us. At the instant, every officer and man repaired to the quarter deck, where the two vessels were coming in contact, and eagerly pressed me to permit them to board the enemy; but this I would not permit, as it was evident, from the commencement of the action, that our fire was greatly superior both in quickness and in effect. The enemy's bowsprit came in between our main and mizzen rigging, on our starboard side, affording him an opportunity to board us, if such was his design; but no attempt was made. There was a considerable swell on, and as the sea lifted us ahead, the enemy's bowsprit carried away our mizzen shrouds, stern davits, and spanker boom, and he hung upon our larboard quarter. At this

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moment, an officer, who was afterwards recognised to be Mr. McDonald, the first lieutenant, and the then commanding officer, called out that they had surrendered. I directed the marines and musketry men to cease firing, and, while on the taffrail, asking if they had surrendered, I received a wound in the neck. The enemy just then got clear of us, and his foremast and bowsprit being both gone, and perceiving us veering to give him a fresh broadside, he again called out that he had surrendered. It was with difficulty I could restrain my crew from firing into him again, as he had certainly fired into us after he had surrendered. From the firing of the first gun to the last time the enemy cried out he had surrendered, was exactly twenty-two minutes by the watch. She proved to be His Britannic Majesty's brig *Penguin*, mounting sixteen thirty-two pound carronades, two long twelves, a twelve pound carronade on the topgallant forecastle, with swivels on the capstern, and in the tops. She had a spare port forward, so as to fight both her long guns of a side. She sailed from England in September last. She was shorter upon deck than this ship by two feet, but she had a greater length of keel, greater breadth of beam, thicker sides, and higher bulwarks, than this ship, and was, in all respects, a remarkably fine vessel of her class. The enemy acknowledge a complement of one hundred and thirty-two, twelve of them supernumerary marines from the *Medway* seventy-four, received on board in consequence of their being ordered to cruise for the American privateer *Young Wasp*. They acknowledge, also, a loss of fourteen killed, and twenty-eight wounded; but Mr. Mayo, who was in charge of the prize, assures me that the number of killed was certainly greater. Among the killed are Captain Dickinson, who fell at the close of the action, and the boatswain; among the wounded are the second lieutenant, purser, and two midshipmen. Each of the midshipmen lost a leg. We received on board, in all, one hundred and eighteen prisoners, four of whom have since died of their wounds. Having removed the prisoners, and taken on board such provisions and stores as would be useful to us, I scuttled the *Penguin* this morning before daylight, and she went down. As she was completely riddled by our shot, her foremast and bowsprit both gone, and her mainmast so crippled as to be incapable of being secured, it seemed inadvisable, at this distance from home, to attempt sending her to the United States.

This ship did not receive a single round shot in her hull, nor any material wound in her spars; the rigging and sails were very much cut; but, having bent a new suit of sails, and knotted and secured our rigging, we are now completely ready, in all respects, for any service. We were eight men short of complement, and had nine upon the sick list the morning of the action.

Enclosed is a list of killed and wounded. I lament to state that Lieutenant Conner is wounded dangerously; I feel great solicitude on his account, as he is an officer of much promise, and his loss would be a serious loss to the service.

14th CON. 1st SESS.—56

It is a most pleasing part of my duty to acquaint you that the conduct of Lieutenants Conner and Newton, Mr. Mayo, acting lieutenant, Lieutenant Brownlow, of the marines, Sailing-master Romney, and the other officers, seamen, and marines, I have the honor to command, was, in the highest degree, creditable to them, and calls for my warmest recommendation. I cannot, indeed, do justice to their merits. The satisfaction which was diffused throughout the ship, when it was ascertained that the stranger was an enemy's sloop-of-war, and the alacrity with which every one repaired to quarters, fully assured me that their conduct in action would be marked with coolness and intrepidity.

I have the honor to be your obedient servant,
J. BIDDLE.

Commodore DECATUR.

NAVAL OPERATIONS AGAINST THE BARBARY POWERS IN 1815.

[Communicated to the Senate, January 11, 1816.]

Mr. TARR, from the Committee on Naval Affairs, communicated the following documents, relative to the operation of the squadron under the command of Commodore Decatur against the Barbary Powers:

U. S. SHIP *GUERRIERE*,
Off Carthagea, June 19, 1815.

SIR: I have the honor to inform you that on the 17th instant, off Cape de Gat, the squadron fell in with and captured an Algerine frigate of forty-six guns, and between four and five hundred men, commanded by Rais Hammida, who bore the title of Admiral. She struck her flag after a running fight of twenty-five minutes. The Admiral was killed at the commencement of the action. After the *Guerriere* (who from her favorable position was enabled to bring the enemy to close action) had fired two broadsides, they, with the exception of a few musketeers, ran below. The *Guerriere* had four men wounded by musket shot, which is the only injury done by the enemy in this affair. It is with pain I have to communicate to you that one of our main deck guns burst in the first discharge, by which accident five men were killed and thirty badly wounded and burnt. This gun was only doubly shot; and permit me to state, that, unless some more effectual mode is adopted in proving our guns, I fear the frequency of such accidents will be injurious to the service, beyond the loss of men occasioned thereby. The steadiness of our men adjoining the bursting gun was worthy of admiration. Although many of them were much burnt and wounded, it did not occasion a pause in their fire. We have four hundred and six prisoners, including the wounded. The prisoners state about thirty were killed and thrown overboard.

Their squadron is said to be cruising in our vicinity; five days ago they were off this place. Unless I obtain some further intelligence of them by to-morrow, I shall proceed to the port of Al-

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giers in the hope of intercepting their return. For the present I have determined to send the prize into Carthagea.

The enclosed is a return of the wounded by the enemy, as also those who were killed and wounded by the bursting of the gun.

I have the honor to be, very respectfully, sir, your obedient servant,

STEPHEN DECATUR.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

U. S. SHIP GUERRIERE,
Off Cape Palos, June 20, 1815.

SIR: I have the honor to inform you that, on the 19th instant, off Cape Palos, the squadron under my command captured an Algerine brig of twenty-two guns and one hundred and eighty men. After a chase of three hours, she run into shoal water, where I did not think it advisable to follow with our large ships, but despatched the Epervier, Spark, Torch, and Spitfire, to whom she surrendered after a short resistance. Twenty-three men were found dead on board. We received from her eighty prisoners, the residue of her crew having left her in boats; many of them must have been killed by the fire of our vessels, and one of the boats was sunk. None of our vessels sustained any damage, nor was there a man killed or wounded. This brig is larger than the Epervier, was built in Algiers five years ago by a Spanish constructor, the same who built the frigate captured on the 17th instant, and is perfectly sound.

I have the honor to be, very respectfully, sir, your obedient servant,

STEPHEN DECATUR.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

U. S. SHIP GUERRIERE,
Bay of Algiers, July 5, 1815.

SIR: I have the honor to inform you of the proceedings of this squadron subsequent to the date of my letter of the 20th ultimo. Having put the greater part of our prisoners on board the captured brig, I sent her into Carthagea, and made sail for Algiers, where we arrived on the 28th. Finding the Algerine squadron to be still out, and knowing that they had been at sea a longer period than usual, and that a despatch boat had been sent to Algiers to inform them of our arrival in the Mediterranean, I thought it probable that they would seek shelter in some neutral port. It seemed, therefore, a favorable moment to deliver a letter from the President to the Dey, pursuant to instructions from the Department of State, which would afford them an opportunity to open a negotiation, if they thought fit. A negotiation was accordingly opened, and a Treaty of Peace was dictated by us, and finally concluded in twenty-four hours, in the manner related in the despatch of Mr. Shaler and myself to the Secretary of State.

This treaty, possessing all the favorable features of those which have been concluded with the most favored nations, and other advantages conceded to us only, I flatter myself will be considered honorable to the United States, particularly when we compare the small force employed on this occasion with the formidable expeditions which have often, and without success, been sent against Algiers. It has been dictated at the mouth of the cannon, has been conceded to the losses which Algiers has sustained, and to the dread of still greater evils apprehended; and I beg leave to express to you my opinion, that the presence of a respectable naval force in this sea will be the only certain guarantee for its observance.

Having concluded the treaty, I have, in conformity with your instructions to dispose of such vessels we might capture as would be unsafe to send home in such manner as would seem to me most expedient, restored them, in their present state, to the Dey of Algiers. This was earnestly requested by the Dey, as it would satisfy his people with the conditions of the peace; and it was determined by Mr. Shaler and myself, that, considering the state of those vessels, the great expense which would be incurred by fitting them for a voyage to the United States, and the little probability of selling them in that part of the world, it would be expedient to grant the request.

I have appointed Captain Downes, of the Epervier, to the Guerriere, and Lieutenant Shubrick, first of the Guerriere, to the Epervier, which brig I have determined to send home with the despatches. These arrangements, I trust, will meet the approbation of the Government. The ten American prisoners who were confined in Algiers have been delivered up, and I have given them a passage in the despatch vessel.

I shall now proceed with the squadron to Tunis, and thence to Tripoli. At the latter place, I understand, there exists some difficulty between our Consul and the Regency; of what nature I am not particularly informed.

I have charged Captain Lewis with the delivery of the despatches to the Government, and the flags taken from the Algerine Admiral and brig. He is an officer of great merit, and whom I beg leave strongly to recommend to the notice of Government.

I have the honor to be, very respectfully, your most obedient servant,

STEPHEN DECATUR.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

UNITED STATES' SHIP GUERRIERE,
Bay of Tunis, July 31, 1815.

SIR: I have the honor to inform you, upon my arrival at this anchorage, I was made acquainted with the following transactions, which had taken place here during our late war with Great Britain: Two prizes, which had been taken by the Abellino privateer, and sent into this port, were taken possession of by a British vessel of war

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while lying within the protection of the Bey of Tunis.

The Consul having communicated to me the information of this violation of our Treaty with Tunis, I demanded satisfaction from the Bey. After some hesitation, and proposing a delay of payment for one year, my demand was acceded to, and the money, amounting to forty-six thousand dollars, was paid into the hands of the consul, Mr. Noah, agent for the privateer.

Of the papers I have the honor to transmit herewith, No. 1 is a copy of the Consul's letter to me, No. 2 is a copy of my letter to the Prime Minister of the Bey, and No. 3 is a copy of the Consul's acknowledgment of the receipt of the money.

I shall proceed immediately for Tripoli, and will give you early information of the further proceedings of this squadron. The Bey of Tunis has now lying in this harbor, nearly ready for sea, three frigates and several smaller vessels of war.

I have the honor be, with great respect, sir, your most obedient servant,

STEPHEN DECATUR.

Hon. B. W. CROWNSHIELD,
Secretary of the Navy.

No. 1.

U. S. CONSULATE, TUNIS,
July 25, 1815.

SIR: On or about the 21st of February, two American prizes, while at anchor, and within the immediate protection of His Excellency the Bey of Tunis, were forcibly seized and taken possession of by the boats of His Britannic Majesty's brig *Lyra*, Dowell O'Reily, Esq., commander, and sent to Malta. In order to afford the just and necessary protection to American property, to cause our rights and the existing Treaty to be respected, I have deemed it my duty to claim of the Bey of Tunis the value of said prizes.

His Excellency, though sensible of the violation of the neutrality of his port, and the loss sustained in the illegal capture of the American property when within his waters, still waives the settlement of this claim, and is desirous to procrastinate the arrangement to a length of time which will deprive the owners of the benefit of their labor and danger. Under these circumstances, I do myself the honor to solicit from you such co-operation, in enforcing the respect due to our rights and treaties, as you may deem proper to afford. With great respect, &c.,

M. M. NOAH.

Com. S. DECATUR, *Commander, &c.*

P. S. In the disposal of the cargo of one of the English prizes, an intrigue was set on foot and prosecuted by a company of merchants, under the sanction and protection of the Prince Sidi Mustapha, by which the owners have been defrauded of a considerable sum of money. For the satisfactory adjustment of this claim, some interference appears equally necessary.

M. M. NOAH.

No. 2.

U. S. SHIP GUERRIERE,
Bay of Tunis, July 26, 1815.

SIR: I have the honor to enclose to your Excellency a despatch from the Department of State of the United States, by which you will perceive the friendly disposition of my Government towards the Bey and Regency of Tunis. When that despatch was written, it was believed that an equally friendly disposition existed on the part of Tunis. With surprise I understood, on my arrival in the Mediterranean, that the treaty existing between the two countries had been violated on the part of Tunis; first, by permitting two vessels, which had been captured by an American vessel, to be taken out of the port of Tunis by a British cruiser; and secondly, by sanctioning a company of Jew merchants, subjects of Tunis, in taking the property of an American citizen at their own price, and much below its real value.

In consequence of this information, as soon as we had obtained justice from Algiers for their aggressions, I hastened to this port, with the power and disposition to exact from this Regency an observance of our treaty. I now require immediate restitution of the property or of its value. Your Excellency will perceive the necessity of the earliest attention to this communication, and of making known to me the decision of His Excellency the Bey with the least possible delay.

I have the honor to be, with great consideration, your Excellency's most obedient servant,

STEPHEN DECATUR,
Commander, &c.

To the PRIME MINISTER
of His Excellency the Bey of Tunis.

No. 3.

CONSULATE OF THE UNITED STATES
OF AMERICA, AT TUNIS.

To all whom it may concern:

Whereas, on the 17th and 21st days of February, 1815, the English schooner *Dunster Castle*, and the English brig *Charlotte*, the former laden with oil and fish, the latter with currants and fustic, were sent into the harbor of Tunis, having been captured by the American private armed brig *Abellino*, William F. Wyer, commander; the said prizes, when within the waters and under the immediate protection of His Excellency the Bey of Tunis, were taken possession of and sent to Malta, by His Britannic Majesty's brig *Lyra*, Dowell O'Reily, Esq., commander, then at anchor in the said harbor of Tunis. That application was made to His Excellency the Bey of Tunis for payment for said vessels, amounting to forty-six thousand Spanish dollars, according to their just and regular valuation. His Excellency the Bey of Tunis having ascertained fully and satisfactorily, that the beforementioned vessels, being American property, were within his waters illegally and forcibly carried away, and being sensible of the necessity of causing his rights to be re-

Naval Operations against the Barbary Powers.

spected, did order that payment should be made for said vessels according to their valuation.

Now, therefore, I, the undersigned, Consul of the United States of America for the city and Kingdom of Tunis, and agent for the concerned, do hereby make known and certify, that the payment of said vessels according to their valuation, say forty-six thousand Spanish dollars, has been received from His Excellency the Bey of Tunis; who, by these presents, is acquitted from all claim against him on account of said prizes.

Given under my hand and seal of office, at Tunis, this 30th day of July, 1815, and
[L. s.] in the fortieth year of the American independence.
M. M. NOAH.

I do hereby certify, that the sum of forty-six thousand Spanish dollars has been paid for the two prizes as above stated, to the American Consul; and that the United States has no further claim on His Excellency the Bey of Tunis for these vessels.

S. DECATUR,
Commander, &c.

U. S. SHIP GUERRIERE,
Messina, August 31, 1815.

SIR: I have the honor to inform you that, immediately after the date of my last communication, I proceeded to Tripoli. Upon my arrival off that place, I received from our Consul a letter, a copy of which (No. 1,) is herewith transmitted. In consequence of the information contained in this letter, I deemed it necessary to demand justice from the Bashaw. The enclosure (No. 2) is a copy of my note to the Prime Minister of Tripoli. On the next day the Governor of the city of Tripoli came on board the Guerriere to treat in behalf of the Bashaw. He objected to the amount claimed by us, but finally agreed to our demands. The money, amounting to the sum of twenty-five thousand dollars, has been paid into the hands of the Consul, who is agent for the privateer. The Bashaw also delivered up to me ten captives, two of them Danes, and the others Neapolitans.

I have the honor to enclose the letter of the Consul, informing me of the conclusion of this affair. During the progress of our negotiations with the States of Barbary, now brought to a conclusion, there has appeared a disposition, on the part of each of them, to grant as far we were disposed to demand. Any attempt to conciliate them, except through the influence of their fears, I should expect to be vain. It is only by the display of naval power that their depredations can be restrained. I trust the successful result of our small expedition, so honorable to our country, will induce other nations to follow the example; in which case, the Barbary States will be compelled to abandon their piratical system. I shall now proceed with the squadron to Carthage, at which place I hope to find the relief squadron from America.

I have the honor to be, with great respect, sir,
yours, &c.,
STEPHEN DECATUR.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

No. 1.

U. S. CONSULATE AT TRIPOLI,
August 6, 1815.

SIR: I have the pleasure of now laying before you all the documents relative to the unlawfully seizing, in the port of Tripoli, and under the guns of the forts, two American prizes, captured by the Abellino, and taken out by the English brig Paulina. I have fully addressed the United States' Government on this affair, and hope you have come fully prepared to demand and obtain ample satisfaction.

It is a case attended with such a flagrant violation of the United States' Treaty with this Regency, and our neutral rights, that it calls for the most prompt and energetic conduct on the part of the United States, which will not only convince this Power, but all others, that our rights and privileges cannot be invaded with impunity. If, however, the Bashaw, contrary to my opinion, should refuse us that satisfaction we are justly entitled to, it is my determination to leave the Regency by this occasion.

I shall have the pleasure of seeing you, and will detail more fully the events as they have taken place. In the interim, I have the honor, &c.,

RICHARD B. JONES.

Com. STEPHEN DECATUR,
On board the U. S. frigate Guerriere.

No. 2.

U. S. SHIP GUERRIERE,
Off Tripoli, August 6, 1815.

SIR: I have been officially informed that the Bashaw of Tripoli has permitted a British sloop-of-war, pending hostilities between that nation and the United States, to take from out of his harbor, and from under the guns of his castle, two American prizes, and refused protection to an American cruiser lying within his waters, in direct violation of the treaty which existed between our two nations. As soon as I had settled with Algiers for her aggressions, and with Tunis for a similar outrage to the one now complained of, I hastened to this place with a part of the squadron under my command.

With ample power to take satisfaction for the violation of our treaty above stated, I only follow the invariable rule of my Government, in first making a demand of justice. I have, therefore, to inform your Excellency that I require that immediate restitution be made of the value of the vessels taken from the harbor of Tripoli as before stated, and also compensation for the loss occasioned by the detention of the American cruiser, in violation of the treaty. Your Excellency will perceive the necessity of making known to me the determination of His Excellency the Bashaw, in relation to the above demands, with the least possible delay.

I have the honor to be, with great consideration,
your Excellency's most obedient servant,
STEPHEN DECATUR.

His Exc'y the PRIME MINISTER
of His Exc'y the Bashaw of Tripoli.

Estimates for Building and Equipping Ships.

TRIPOLI, August 9, 1815.

SIR: Permit me to congratulate you on the honorable adjustment of all differences which have existed between the United States and this Regency. This arrangement may not only be considered as just and honorable for the United States, but also as highly advantageous to the interest of our citizens. I have no doubt this lesson will long serve to keep in the remembrance of the Bashaw the power, justice, and humanity of the United States. To your dignified, firm, and manly conduct throughout this affair, the United States are indebted for the standing we now have; and, as the representative of our country here, permit me to offer the sincere homage of respect, esteem, and regard, with which I have the honor to be, &c.

RICHARD B. JONES.

Commodore STEPHEN DECATUR,
Commander-in-Chief, &c.

UNITED STATES' SHIP GUERRIERE,
Naples Sept. 8, 1815.

SIR: I have the honor to inform your Excellency that in my late negotiation with the Bashaw of Tripoli, I demanded and obtained the release of eight Neapolitan captives, subjects of His Majesty the King of the Two Sicilies. These I have landed at Messina. It affords me great pleasure to have had it in my power, by this small service, to evince to His Majesty the grateful sense entertained by my Government of the aid formerly rendered to us by His Majesty during our war with Tripoli.

With great respect and consideration, I have the honor to be, &c.

STEPHEN DECATUR.

His Ex'cy the MARQUIS CIRCELLO,
Secretary of State, &c.

NAPLES, September 12, 1815.

SIR: Having laid before the King, my master, the papers which you have directed me, dated the 8th instant, in which you were pleased to acquaint me that, in your last negotiation with the Bey of Tripoli, you had freed from the slavery of that Regency eight subjects of His Majesty, whom you had also set on shore at Messina: His Majesty has ordered me to acknowledge this peculiar favor, as the act of your generosity, which you have been pleased to call a return for the trifling assistance which the squadron of your nation formerly received from his Royal Government during the war with Tripoli.

In doing myself the pleasure of manifesting this sentiment of my King, and of assuring you, in his name, that the brave American nation will always find in His Majesty's ports the best reception, I beg you will receive the assurance of my most distinguished consideration.

MARQUIS CIRCELLO,
Secretary of State, &c.

Com. DECATUR, Commander, &c.

ESTIMATES FOR BUILDING AND EQUIPPING SHIPS.

[Communicated to the Senate, Jan. 15 and 29, 1816.]

NAVY DEPARTMENT, Jan 13, 1816.

SIR: In compliance with the request of the honorable Committee of the Senate upon Naval Affairs, communicated by your letter of the 8th instant, I have the honor to enclose to you, herewith, the several estimates, in detail, marked A, B, and C.

By these estimates, it appears that the cost of building a seventy-four gunship would be \$217,412
Equipping a seventy-four gunship would be 167,450

Building and equipping a seventy-four - \$384,862

That the cost of building a forty-four would be - \$153,475
Equipping a forty-four would be - 114,925

Building and equipping a forty-four - \$268,400

That the cost of building a sloop-of-war would be - \$46,293
Equipping a sloop-of-war would be - 35,930

Building and equipping a sloop-of-war - \$82,223

It hence results that the expense which would be incurred in building and equipping one seventy-four, two forty-fours, and two sloops-of-war, would be as follows:

A seventy-four gunship - \$384,862
A forty-four costs \$268,400, therefore, two
forty-fours would cost - 536,800
A sloop-of-war costs \$82,223, therefore,
two would cost - 164,446

Total cost of building and equipping one
seventy-four, two forty-fours, and two
sloops-of-war, would be - \$1,086,108

In these estimates I have been aided by the practical knowledge and experience of the Commissioners of the Navy Board, who availed themselves of the calculations of scientific ship-builders, and the information derived from recent investigations and inquiries of the market price of the materials, and various articles of equipment.

The estimates are as correct as the fluctuating prices of labor and materials will admit, and sufficiently so to found the data upon for the amount of the contemplated annual increase of the Navy; but, so far as the calculations are conjectural, it is presumed that they may exceed the actual expenditure from five to ten per cent.

All which is respectfully submitted.

B. W. CROWNINSHIELD.

HON. CHARLES TAIT,
Chairman Naval Committee.

Estimates for Building and Equipping Ships.

A.

Estimate of the expense of building and equipping a seventy-four gunship.

22,000 feet of live oak, at \$1 60	\$35,200
120,000 feet of white oak and yellow pine, at 30 cents	36,000
24,000 lbs. of copper bolts, at 40 cts.	9,600
30,560 lbs. of sheathing copper and nails, at 45 cts.	13,752
106 tons, 213,000 lbs. of iron, at 6 cts.	12,780
13,500 lbs. of lead, at 10 cts.	1,350
Labor of carpenters, and mast-making	85,000
Labor of joiners, including stuff	8,000
Blacksmiths' work	12,780
Plumber's bill	1,350
Turner's bill	900
Carver's bill	700
Hull and spars complete	\$217,412

Blockmaker's bill, including gun carriages and everything furnished by him	\$8,500
Sailmaker's bill, two suits	28,300
Ropemaker's bill, 120 tons, at 13 cts. per lb.	31,200
Tanner's bill	750
Painter's bill	2,500
Cooper's bill	5,500
Boat-builder's bill	1,700
Ordnance, 64 thirty-two pounders, and 22 thirty-two pound carronades	30,000
6,000 thirty-two pound shot	9,600
1,500 thirty-two pound grape	3,500
300 barrels powder, at 45 cents	13,500
4,000 cylinders, at 50 cents	2,000
200 muskets, at \$15	3,000
200 battle-axes, at \$1 50	300
200 pikes, at \$1 50	300
200 pairs of pistols, at \$10	2,000
200 sabres, at \$3	600
Colors and signals	1,200
Anchor	4,800
200 tons kentledge, at \$40	8,000
Camboose	1,800
Rigger's bill, forty men, at \$15 per month for four months	2,400
Charts, compasses, books, mathematical instruments, &c.	1,000
Contingencies	5,000

Equipment	167,450
Hull and spars complete	217,412
Building and equipment	\$384,862

B.

Estimate of the expense of building and equipping a forty-four gun frigate of the first class.

14,400 feet of live oak, at \$1 50	\$21,000
85,000 feet white oak and yellow pine, at 30 cts.	25,500
20,000 lbs. copper bolts, at 40 cts.	8,000
27,500 lbs. copper sheathing and nails, at 45 cents	12,375
75 tons, 150,000 lbs. of iron, at 6 cts.	9,000
11,500 lbs. of lead, at 10 cts.	1,150
Labor of carpenters and mast-makers	60,000
Labor of joiners, including stuff	5,000

Blacksmiths' work	9,000
Plumber's bill	1,150
Turner's bill	700
Carver's bill	600

Hull and spars complete	\$153,475
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Blockmaker's bill, including gun carriages and everything furnished by him	\$6,700
Sailmaker's bill, two suits	18,875
Ropemaker's bill, 100 tons, at 13 cts. per lb.	26,000
Tanner's bill	650
Painter's bill	1,800
Cooper's bill	4,900
Boat-builder's bill	1,300
Ordnance, 32 twenty-four pounders, and 20 forty-two pound carronades	16,500
3,000 round shot	3,600
1,000 grape	2,500
190 barrels of powder, at 45 cents	8,550
2,000 cylinders, at 50 cts.	1,000
150 muskets, at \$15	2,250
150 battle-axes, at \$1 50	225
150 pikes, at \$1 50	225
150 pairs of pistols, at \$10	1,500
150 sabres, at \$3	450
Colors and signals	1,000
Anchor	3,800
Kentledge, 120 tons, at \$40	4,800
Camboose	1,500
Rigger's bill, 35 men for 4 months, at \$15 per month	2,000
Charts and mathematical instruments, &c.	800
Contingencies	4,000

Equipment	114,925
Hull and spars	153,475

Building and equipment	\$268,400
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C.

Estimate of the expense of building and equipping a sloop-of-war of the first class.

5,500 feet of live oak, at \$1 30	\$7,150
22,000 feet white oak and yellow pine, at 30 cents	6,600
6,000 lbs. of copper bolts and spikes, at 40 cents	2,400
7,875 lbs. of sheathing copper, and nails, at 45 cents	3,543
25 tons, 50,000 lbs. of iron, at 6 cts.	3,000
5,000 lbs. of lead, at 10 cts.	500
Labor of carpenters and mast-makers	18,000
Labor of joiners, including stuff	1,100
Blacksmiths' work	3,000
Plumber's work	500
Turner's bill	300
Carver's bill	200

Hull and spars complete	\$46,293
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Blockmaker's bill, including gun carriages and everything furnished by him	2,000 00
Sailmaker's bill, 2 suits	5,200 00
Ropemaker's bill	7,100 00
Tanner's bill	250 00
Painter's bill	600 00
Cooper's bill	1,150 00

Estimates for Building and Equipping Ships.

Boat-builder's bill - - - - -	700 00	Hull and spars - - - - -	\$46,293
Ordnance, 20 thirty-two pound carronades, and two long twelve pounders - - - - -	4,800 00	Equipment - - - - -	35,930
Ordnance stores, 1,600 lbs. shot - - - - -	1,550 00		
45 bbls. powder, at 45 cents - - - - -	1,845 00	Building and equipment - - - - -	\$82,223
1,000 cylinders, at 40 cents - - - - -	400 00		
75 muskets, at \$15 - - - - -	1,135 00		
75 battle-axes, at \$1 50 - - - - -	112 50		
75 pikes, at \$1 50 - - - - -	112 50		
75 pairs of pistols, at \$10 - - - - -	750 00		
75 sabres, at \$3 - - - - -	225 00		
Colors and signals - - - - -	550 00		
Anchor - - - - -	1,100 00		
Kentledge, 55 tons, at \$40 - - - - -	2,200 00		
Camboose - - - - -	800 00		
Rigger's bill, 20 men for 3 months, at \$15 per month - - - - -	900 00		
Charts, mathematical instruments, &c. - - - - -	450 00		
Contingencies - - - - -	2,000 00		
Equipment - - - - -	\$35,930 00		

[Communicated to the Senate, January 29, 1816.]

NAVY DEPARTMENT, Jan. 27, 1816.

SIR: In compliance with the request of the Committee of the Senate on Naval Affairs, communicated by your letter of the 23d, I have the honor to transmit to you for their information, the papers herewith marked A, B, C; which contain the estimates of expense necessary to keep in service, for one year, a seventy-four, a forty-four, and a twenty-two gun ship, respectively; each having a full complement of men and officers, and provisions for twelve months.

I have the honor to be, &c.,

B. W. CROWNINSHIELD,

Hon. CHARLES TAIT.

A.

Estimate of the annual expense of a seventy-four gun ship.—January, 1816.

RANK.	PAY AND SUBSISTENCE.		Amount of Pay.
	Pay per month.	Rations estimated with pay.	
1 Captain - - - - -	\$100	7	\$1,200 00
6 Lieutenants - - - - -	40	12	2,880 00
1 Surgeon - - - - -	50	1	600 00
1 Chaplain - - - - -	40	1	480 00
1 Purser - - - - -	40	1	480 00
3 Surgeon's mates - - - - -	30	3	1,080 00
2 Masters - - - - -	40	2	960 00
1 Boatswain - - - - -	20	1	240 00
1 Gunner - - - - -	20	1	240 00
1 Carpenter - - - - -	20	1	240 00
1 Sailmaker - - - - -	20	1	240 00
3 Master's mates - - - - -	20	-	720 00
20 Midshipmen - - - - -	19	-	4,560 00
1 Schoolmaster - - - - -	25	-	300 00
1 Captain's clerk - - - - -	25	-	300 00
6 Boatswain's mates - - - - -	19	-	2,736 00
3 Gunner's mates - - - - -			
2 Carpenter's mates - - - - -			
1 Sailmaker's mate - - - - -			
1 Armorer - - - - -	18	-	6,264 00
1 Cooper - - - - -			
1 Steward - - - - -			
1 Master-at-Arms - - - - -			
1 Coxswain - - - - -			
1 Boatswain's yeoman - - - - -			
1 Gunner's yeoman - - - - -			
1 Carpenter's yeoman - - - - -			
10 Quarter gunners - - - - -			
8 Quartermasters - - - - -			
2 Ship's corporals - - - - -			
1 Cook - - - - -			
85 31 rations per day make 11,315 per annum, at 25 cts. - - - - -	-	-	2,828 75
200 Able seamen - - - - -	12	-	28,800 00
300 Ordinary seamen and boys - - - - -	10	-	36,000 00
Pay and subsistence of the Navy - - - - -	-	-	\$91,148 75

Estimates for Building and Equipping Ships.

ESTIMATE A—Continued.

RANK.	PAY AND SUBSISTENCE.		Amount of Pay.
	Pay per month.	Rations estimated with pay.	
1 Captain of marines - - - - -	\$40	2	\$480 00
1 First lieutenant - - - - -	30	2	360 00
1 Second lieutenant - - - - -	25	1	300 00
3 Sergeants - - - - -	9	-	324 00
3 Corporals - - - - -	8	-	288 00
2 Musicians - - - - -	7	-	168 00
60 Privates - - - - -	6	-	4,320 00
656 5 rations per day make 1,825 per annum, at 25 cts.	-	-	456 25
Pay and subsistence of marines - - - - -	-	-	6,696 25
Pay and subsistence of navy officers, seamen, and marines - - - - -	-	-	\$97,845 00

Provisions.

597 barrels of beef, at \$17 50	-	-	-	-	-	-	-	\$10,447 50
512 barrels of pork, at \$21 50	-	-	-	-	-	-	-	11,008 00
171 barrels of flour, at \$10	-	-	-	-	-	-	-	1,710 00
16,056 pounds of suet, at 20 cents	-	-	-	-	-	-	-	3,211 20
209,264 pounds of bread, at 6 cents	-	-	-	-	-	-	-	12,555 84
13,120 pounds of cheese, at 20 cents	-	-	-	-	-	-	-	2,624 00
4,264 pounds of butter, at 25 cents	-	-	-	-	-	-	-	1,066 00
433 bushels of peas, at \$1 30	-	-	-	-	-	-	-	692 90
34,112 pounds of rice, at 5 cents	-	-	-	-	-	-	-	1,705 60
2,132 gallons of molasses, at \$1	-	-	-	-	-	-	-	2,132 00
2,132 gallons of vinegar, at 25 cents	-	-	-	-	-	-	-	533 00
14,924 gallons of spirit, at \$1	-	-	-	-	-	-	-	14,924 00

Provisions for 656 persons - - - - - \$62,610 04

Clothing for Marines.

3 Sergeant's suits, at \$26	-	-	-	-	-	-	-	\$78 00
65 Corporals', musicians' and privates' suits, at \$24	-	-	-	-	-	-	-	1,560 00
6 Pairs of shoulder knots, at \$1 50	-	-	-	-	-	-	-	9 00
68 Caps, plumes, bands, and eagles, at \$2	-	-	-	-	-	-	-	136 00
68 Stocks, at 20 cents	-	-	-	-	-	-	-	13 60
272 Pairs of shoes, at \$1 37½	-	-	-	-	-	-	-	374 00
68 Blankets, at \$5	-	-	-	-	-	-	-	340 00
6 Watch coats, at \$15	-	-	-	-	-	-	-	90 00

Clothing - - - - - \$2,600 60

Military Stores for Marines.

68 Knapsacks, at \$1	-	-	-	-	-	-	-	\$68 00
68 Brushes and prickers, at 25 cents	-	-	-	-	-	-	-	17 00

Military stores - - - - - \$85 00

Recapitulation and General Estimate.

Pay and subsistence of the Navy	-	-	-	-	-	-	-	\$91,148 75
Pay and subsistence of marines	-	-	-	-	-	-	-	6,696 25
Provisions	-	-	-	-	-	-	-	62,610 04
Clothing of marines	-	-	-	-	-	-	-	2,600 60
Military stores for marines	-	-	-	-	-	-	-	85 00
Hospital stores and medicines	-	-	-	-	-	-	-	1,600 00
Contingencies, wear and tear, &c.	-	-	-	-	-	-	-	25,000 00

Whole annual expense of a seventy-four - - - - - \$189,740 64

Estimates for Building and Equipping Ships.

B.

Estimate of the annual expense of a forty-four gun ship.—January, 1816.

RANK.	PAY AND SUBSISTENCE.		Amount of Pay.
	Pay per month.	Rations estimated with pay.	
1 Captain - - - - -	\$100	7	\$1,200 00
6 Lieutenants - - - - -	40	12	2,880 00
1 Surgeon - - - - -	50	1	600 00
1 Chaplain - - - - -	40	1	480 00
1 Purser - - - - -	40	1	480 00
2 Surgeon's mates - - - - -	30	2	720 00
1 Master - - - - -	40	1	480 00
1 Boatswain	20	4	960 00
1 Gunner			
1 Carpenter			
1 Sailmaker			
2 Master's mates - - - - -	20	-	480 00
20 Midshipmen - - - - -	19	-	4,560 00
1 Captain's clerk - - - - -	25	-	300 00
2 Boatswain's mates	19	-	1,140 00
1 Gunner's mate			
1 Carpenter's mate			
1 Sailmaker's mate			
1 Armorer	18	-	6,048 00
1 Cooper			
1 Steward			
1 Master-at-Arms			
1 Coxswain			
1 Boatswain's yeoman			
1 Gunner's do.			
1 Carpenter's do.			
10 Quarter gunners	12	-	21,600 00
8 Quartermasters			
1 Ship's corporal			
1 Cook			
150 Able seamen - - - - -	10	-	20,400 00
170 Ordinary seamen and boys	-	-	2,646 25
29 rations per day make 10,585 per annum, at 25 cts.	-	-	\$64,974 25
Pay and subsistence of the Navy	-	-	
1 First lieutenant of marines	30	2	360 00
1 Second lieutenant - - - - -	25	1	300 00
3 Sergeants - - - - -	9	-	324 00
2 Corporals - - - - -	8	-	192 00
2 Musicians - - - - -	7	-	168 00
48 Privates - - - - -	6	-	3,456 00
450	-	-	273 75
3 rations per day make 1,095 per annum, at 25 cents	-	-	5,073 75
Pay and subsistence of marines	-	-	
Pay and subsistence of navy officers, seamen, and marines	-	-	\$70,048 00

Estimates for Building and Equipping Ships.

Provisions.

[illegible]

Clothing for Marines.

[illegible]

Military Stores for Marines.

[illegible]

Recapitulation of general estimate.

[illegible]

*Captors of the British Ship of War Levant.**Clothing for Marines.*

1 Sergeant's suit	- - -	\$26 00
25 Corporals, musicians, and privates' suits, at \$24	- - -	600 00
3 pairs of shoulder knots, at \$1 50	- - -	4 50
26 caps, plumes, bands, and eagles, at \$2	- - -	52 00
26 stocks, at 20 cents	- - -	5 20
26 blankets, at \$5	- - -	130 00
104 pairs of shoes, at \$1 37½	- - -	143 00
2 watch coats, at \$15	- - -	30 00
		<u>\$990 70</u>

Military Stores for Marines.

26 knapsacks, at \$1	- - -	\$26 00
26 brushes and prickers, at 25 cents	- - -	6 50
		<u>\$32 50</u>

Recapitulation and general estimate.

Pay and subsistence of the Navy	- -	\$29,905 00
Pay and subsistence of marines	- -	2,371 25
Provisions	- -	17,562 96
Clothing of marines	- -	990 70
Military stores for marines	- -	32 50
Hospital stores and medicines	- -	800 00
Contingencies, wear and tear, &c.	- -	7,500 00
		<u>\$59,162 41</u>

CAPTORS OF THE BRITISH SHIP-OF-WAR
LEVANT REWARDED.

[Communicated to the House, February 5, 1816.]

Mr. PLEASANTS made the following report: The Committee on Naval Affairs, to whom was referred the petition of Captain Charles Stewart, late commander of the frigate Constitution, praying to be paid the value of the Levant, a British ship-of-war captured by the Constitution in her late cruise, and taken by force out of the harbor of Port Praya, a neutral port, by a squadron of British ships, have had the said petition under consideration, and make the following report: The petitioner states that, on the 20th of February 1815, with the frigate Constitution under his command, whilst cruising in the neighborhood of the island of Madeira, he fell in with two British ships of war, the Cyane mounting thirty-four guns, and the Levant mounting twenty-one; that the Constitution brought the two ships to action, and captured both after a conflict of forty minutes; that having taken possession of her prizes the Constitution proceeded on her cruise, and on the 10th of March anchored with her prizes in Port Praya in St. Jago, one of the Cape de Verd islands belonging to Portugal; that, on the next day, March the 11th, whilst lying in the said port, they discovered a squadron of ships, which ultimately proved to be British, consisting of three sail, two of sixty-eight and one of fifty guns, commanded by Sir George Collier; that the Constitution with her prizes immediately got under way, and with much difficulty escaped the

enemy, who had approached very near, under cover of a thick fog, before they were discovered; that the Constitution and Cyane got off without being brought to action by so superior a force, and the Levant, which had moved in a direction to divide the attention of the enemy, being pursued, was enabled to get back into Port Praya, and anchored close under the batteries, thinking the enemy would respect the neutrality of the port; that in that situation she was attacked and taken possession of by the enemy, without any attempt on the part of the Portuguese to prevent the outrage.

The petitioner asks of Congress to pay to the officers and crew of the Constitution the value of the Levant, she having been captured by them on the high seas, and forcibly taken from a neutral port by the enemy.

The committee are of opinion that the petitioners have not a right to demand of the United States the value of the said prize. Though the Government have a right to demand of the Portuguese Government compensation for the outrage committed in one of their ports, and if compensation is made, the amount ought to be paid to the captors, yet, in the many and great losses sustained by our citizens during the late war in Europe by the violation of their neutral rights, it has not been the practice of the Government to make compensation for such losses. Were it to be done in this case, the captors would be placed in a more eligible situation than if the outrage had not been committed; in that case they would have had to encounter the ordinary dangers of the sea in bringing their prize into port; and also the hazard of recapture by the enemy. But proceeding on the principle acted on by Congress in other cases which occurred during the late war, of making some compensation for the gallantry and good conduct of the officers and men, where they did not succeed in getting their prizes into port, and such gallantry and good conduct having been signally displayed in this action, the proper tribunals having determined that the force of the enemy was superior, the committee taking the case of the Frolic captured by the Wasp, and recaptured by the enemy, as a proper criterion, the force of the Levant being about equal to that of the Frolic, and the compensation made being twenty-five thousand dollars, recommend the passage of an act authorizing the payment of that sum to the officers and crew of the Constitution, to be deducted from the value of the Levant, provided the Government succeed in obtaining such value from the Portuguese Government. For this purpose they herewith report a bill.

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled. The petition of the subscriber respectfully sheweth:

PHILADELPHIA, December 22, 1815.

That, on the 20th day of February, 1815, the United States frigate Constitution, then under his command, did, in pursuance of the orders of

Captors of the British Ship of War Levant.

the late honorable Secretary of the Navy, William Jones, overtake on the high seas, about sixty leagues from the island of Madeira, His Britannic Majesty's ships of war the *Cyane*, of thirty-four guns, commanded by Captain Gordon Falcon, and the *Levant*, of twenty-one guns, commanded by Captain the honorable George Douglas, both post captains in the navy of Great Britain, and did there bring to action, engage with, and capture the said two ships of war, the *Cyane* and *Levant*, after a sharp conflict of forty minutes; and that your petitioner did take possession of the two prizes aforesaid, and proceed in the frigate *Constitution* with them to the island of St. Jago, one of the Cape de Verdes, in the possession of the troops and subjects of the Prince Regent of Portugal, with whom we were at peace, and from whom there had issued a declaration of neutrality when the war between the United States and Great Britain was made known to him; that your petitioner, having come to anchor with the *Constitution*, and the above named prizes, in Port Praya, in the aforesaid island of St. Jago, on the 10th day of March, 1815, discovered, on the following day, (while preparations were making by your petitioner to divest himself of his prisoners, by sending them on parole to Barbadoes agreeable to his instructions,) off the port, a squadron of three ships of war, belonging to the King of Great Britain, commanded by his officers generally, and under the command of the honorable Sir George Collier particularly, consisting of the *Leander* of sixty-eight guns, *Newcastle* of sixty-eight guns, and *Acasta* of fifty guns; that the said squadron by means of, and covered by, a thick fog, approached the ship *Constitution* and her two prizes within three miles before they were discovered, which near approach left no time for your petitioner to hesitate or deliberate on the situation of your good ship the *Constitution* and her two prizes, but obliged him, for the security of that valuable vessel intrusted to his care, to get under weigh and rescue her from the probable grasp of the enemy, which your petitioner did, taking with him the two prize ships aforesaid, that they might be used according to circumstances, and for the purpose of saving the *Constitution*: all of which was done according to the best skill and judgment of your petitioner; and your precious ship the *Constitution* returned in safety to the port of Boston.

And your petitioner begs leave to state, to your honorable body, that while they were in the act of getting under weigh in the harbor of Port Praya, the flag of the Prince Regent of Portugal was hoisted on two several forts, and a fire opened from their batteries upon the *Constitution* and her two prizes; several shot from them passing both over and striking near the bends of the *Constitution*; that after your petitioner had derived all the advantages he could from his prizes aforesaid, the *Levant* returned into the harbor of Port Praya, and came to anchor close to the batteries thereof, where she was soon after attacked by the aforesaid squadron, under the command of the aforesaid Sir George Collier, and forcibly taken

possession of by them and carried from out of the harbor of Port Praya aforesaid, without the troops, garrison, or subjects of the Prince Regent of Portugal making any resistance or hindrance whatever, as they were in duty bound to do within the harbors and neutral waters of the Prince Regent of Portugal.

Your petitioner, therefore, for and in behalf of himself, the gallant officers, and crew of the frigate *Constitution* under his command, and in consideration of their being so unlawfully and unjustly robbed and deprived of the usual advantages that would accrue to them, for their gallantry in engaging and subduing the aforesaid two ships-of-war belonging to the King of Great Britain, humbly beg your honorable body will take this their case into consideration; and that you will be pleased to grant to them the value of the said ship *Levant*, of which they have been deprived as above stated; and your petitioner will ever pray, &c.

CHARLES STEWART,

Late commander of frigate Constitution.

NAVY DEPARTMENT, *January 5, 1816.*

SIR: In compliance with the instructions of the honorable Committee upon Naval Affairs, communicated by your letter of the 29th ultimo, I have the honor to enclose to you papers No. 1 to 6; which contain all the information in the possession of this Department relative to the capture of the British vessels of war *Cyane* and *Levant*, by the United States' frigate *Constitution*, under the command of Captain Charles Stewart, of the United States' Navy.

I have the honor to be, very respectfully, your obedient servant,

B. W. CROWNINSHIELD.

HON. JAMES PLEASANTS, JUN.

Chairman Com. on Naval Affairs.

No. 1.

U. S. FRIGATE *CONSTITUTION*, *May, 1815.*

SIR: On the 20th of February last, the island of Madaria bearing about west-southwest, distant sixty leagues, we fell in with His Britannic Majesty's two ships of war the *Cyane* and the *Levant*, and brought them to action about 6 o'clock in the evening; both of which, after a spirited engagement of forty minutes, surrendered to the ship under my command.

Considering the advantages derived by the enemy, from a divided and more active force, as also their superiority in the weight and number of their guns, I deem the speedy and decisive result of this action the strongest assurance which can be given to Government that all under my command did their duty, and gallantly supported the reputation of American seamen.

Enclosed you will receive the minutes of the action, and a list of the killed and wounded on board this ship; also, enclosed, you will receive, for your information, a statement of the actual force of the enemy, and the number of killed and

Captors of the British Ship of War Levant.

wounded on board their ships as near as could be ascertained.

I have the honor to be, &c.

CHARLES STEWART.

Hon. B. W. CROWNINSHIELD,

Secretary of the Navy.

No. 2.

Minutes of the chase of the United States frigate Constitution, by an English squadron of three ships, from out the harbor of Port Praya, island of St. Jago.

Commences with fresh breezes and foggy weather; at five minutes past 12, discovered a large ship through the fog, standing in for Port Praya; at eight minutes past 12, discovered two other large ships astern of her, also standing in for the port. From their general appearance, supposed them to be one of the enemy's squadrons, and, from the little respect hitherto paid by them to neutral waters, I deemed it most prudent to put to sea. The signal was made to the Cyane and Levant to get under weigh; at twelve after meridian, with our topsail set, we cut our cable and got under weigh, (when the Portuguese opened a fire on us from several of their batteries on shore;) the prize ships followed our motions, and stood out of the harbor of Port Praya close under East point, passing the enemy's squadron about gunshot to windward of them. Crossed our top-gallant yards and set foresail, mainsail, spanker, flying jib, and top-gallant sails. The enemy seeing us under weigh, tacked ship, and made all sail in chase of us. As far as we could judge of their rates from the thickness of the weather, supposed them two ships-of-the-line, and one frigate. At half past meridian, cut away the boats towing astern, first cutter and gig; at 1 P. M. found our sailing about equal with the ship on our quarter, but the frigate luffing, gaining our wake, and rather dropping astern of us; finding the Cyane dropping astern and to leeward, and the frigate gaining on her fast, I found it impossible to save her if she continued on the same course, without having the Constitution brought to action by their whole force; I made the signal at ten minutes past 1 P. M. to her to tack ship, which was complied with. This manœuvre, I conceived, would detach one of the enemy's ships in pursuit of her, while, at the same time, from her position, she would be enabled to reach the anchorage at Port Praya before the detached ships could come up with her; but, if they did not tack after her, it would afford her an opportunity to double their rear, and make her escape before the wind. They all continued in full chase of the Levant and this ship; the ship on our lee quarter firing by divisions broadsides; her shot falling short of us. At 3 P. M. by our having dropped the Levant considerably, her situation became (from the position of the enemy's frigate) similar to the Cyane, it became necessary to separate also from the Levant, or risk this ship being brought to action to cover her. I made the signal at five minutes past 3 for her to

tack, which was complied with; at twelve minutes past three, the whole of the enemy's squadron tacked in pursuit of the Levant, and gave up the pursuit of this ship. This sacrifice of the Levant became necessary for the preservation of the Constitution. Sailingmaster Hixon, midshipman Varnum, one boatswain's mate, and twelve men, were absent on duty in the fifth cutter, to bring the cartel brig under our stern.

No. 3.

Minutes of the action between the United States frigate Constitution, and His Majesty's ships Cyane and Levant, on the 20th February, 1815.

Commences with light breezes from the eastward and cloudy weather; at 1, discovered a sail two points on the larboard bow; hauled up and made sail in chase; at quarter past 1, made the sail to be a ship; at three-quarters past 1, discovered another sail ahead; made them out at 2 P. M. to be both ships, standing close hauled with their starboard tacks on board. At 4 P. M. the weathermost ship made signals, and bore up for her consort, then about ten miles to leeward; we bore up after her, and set lower topmast, topgallant, and royal studding sails in chase; at half past 4, carried away our main royal mast; took in the sails and got another prepared. At 5 P. M. commenced firing on the chase, from our two larboard bow guns; our shot falling short, ceased firing; at half past 5, finding it impossible to prevent their junction, cleared ship for action, then about four miles from the two ships; at forty minutes after 5, they passed within hail of each other, and hauled by the wind on the starboard tack, hauled up their courses, and prepared to receive us; at forty-five minutes past 5, they made all sail close hauled by the wind, in hopes of getting to windward of us; at fifty-five minutes past 5, finding themselves disappointed in their object, and we were closing with them fast, they shortened sail, and formed on a line of wind about half a cable's length from each other. At 6 P. M., having them under command of our battery, hoisted our colors, which was answered by both ships hoisting English ensigns. At five minutes past 6, ranged up on the starboard side of the sternmost ship about three hundred yards distant, and commenced the action by broadsides, both ships returning our fire with great spirit for about fifteen minutes; then the fire of the enemy beginning to slacken, and the great column of smoke collected under our lee induced us to cease our fire to ascertain their positions and conditions; and in about three minutes, the smoke clearing away, we found ourselves abreast of the headmost ship, the sternmost ship luffing up for our larboard quarter; we poured a broadside into the headmost ship, and then braced aback our main and mizzen topsails, and backed astern under cover of the smoke, abreast the sternmost ship; when the action was continued with spirit and considerable effect until thirty-five minutes past 6, when the enemy's fire again slackened, and we discovered the headmost bearing up;

Captors of the British Ship of War Levant.

filled our topsails, shot ahead, and gave her two stern rakes; we then discovered the sternmost ship wearing also, wore ship immediately after her, and gave her a stern rake, she luffing too on our starboard bows, and giving us her larboard broadside; we ranged up on her larboard quarter within hail, and was about to give her our starboard broadside, when she struck her colors, fired a lee gun, and yielded. At fifty minutes past 6, took possession of His Majesty's ship Cyane, Captain Gordon Falcon, mounting thirty-four guns. At 8 P. M. filled away after her consort, which was still in sight to leeward; at half past 8, found her standing towards us, with her starboard tack close hauled, with topgallant sails set, and colors flying; at fifty minutes past eight, ranged close along side to windward of her, on opposite tacks, and exchanged broadsides, wore immediately under her stern and raked her with a broadside, she then crowded all sail, and endeavored to escape by running; hauled on board our tacks, set spanker and flying jib in chase; at half past 9, commenced firing on her from our starboard bow chaser, gave her several shot, which cut her spars and rigging considerably; at 10 P. M., finding they could not escape; fired a gun, struck her colors, and yielded. We immediately took possession of His Majesty's ship *Levant*, Hon. Captain George Douglas, mounting twenty-one guns. At 1 A. M. the damages of our rigging were repaired, sails shifted, and the ship in fighting condition.

No. 4.—General Orders.

U. S. FRIGATE CONSTITUTION,
February 23, 1815.

Captain Stewart takes the first opportunity of returning his thanks to the officers, seamen, ordinary seamen, and marines of this ship, for their gallantry, order, and discipline, displayed by all under his command on the night of the 20th instant, while engaged with His Majesty's late ships *Cyane* and *Levant*, and congratulates them on the glorious result of their exertions; a result which could not have been produced against so superior a force, commanded by distinguished officers, without the energy and order so conspicuously exhibited by all on that occasion. We were not only outnumbered in guns and weight of metal by the enemy, but had also to contend with a more active class of vessels, and a divided force, which gave to them every advantage. Be assured that the laurels you have acquired for yourselves will never fade, and that the share of glory you have given to your country will be hailed by your fellow-citizens with the greatest satisfaction, and posterity, in beholding the trophies gained by your gallant predecessors in victory, shall view with grateful sensations the two which you have added to their number.

You will accept his thanks for the promptness with which you repaired the damages and secured the three ships, and he assures you that it will not be least among your merits, when it is known,

that in one hour after a contest so severe, your own ship was ready to fight another action, and your prizes enabled to make sail.

The excellent example hitherto shown by our naval victors in their respect towards the persons and property of a subdued enemy, he trusts, will not be deviated from by any under his command; surely, there can be none among you who can be desirous of tarnishing so much of your well-earned glory, as to hesitate between the choice of being scornfully pointed at as a plunderer, or to perceive the finger of satisfaction selecting you as a hero. If, therefore, any of you have unwarily possessed yourselves improperly of either public or private property, he commands you to give it immediately to the commanding officer. You surely cannot wish to bring disgrace on your commander or your officers, whom you have so gallantly supported.

It is much to be regretted, that on occasions like the present, the commander is not permitted to see with his own eyes the distinguished merits of each officer, that he might thank them individually for their exertions, but as all must have done their duty well to produce such decisive effect, he begs they will receive his thanks collectively. He tenders to the officers commanding the gundeck, forecastle, and quarter-deck divisions, his thanks for the steady and incessant fire kept up by their batteries, the vivacity of which nothing could surpass. To Captain Henderson and Lieutenant Freeman, commanding the marines, he owes his grateful thanks for the lively and well-directed fire kept up by the detachment under their command. He thanks Mr. Hixon, and the officers stationed on the fore-castle and tops, for their steady attention to orders, and the promptness with which they replaced everything important that was shot away. To Mr. Pottinger, and the officers superintending the magazines and passages, he gives his thanks for the facility with which every essential was furnished the batteries from their departments. To Doctor Kearney, and his assistants in the cockpit, he feels great obligations for their humanity and skill in relieving and assisting the wounded. Captain Stewart begs Lieutenant Ballard to accept his thanks for the prompt assistance he gave him in all the operations and manœuvres of the ship, for the alacrity with which every order was attended to, and the promptness with which they were executed, and he assures him that the gallantry and good conduct displayed by him on that occasion will make a lasting impression on his gratitude. To Mr. Humphreys, commanding the flag-guard, and the officers attached to him as aids, he gives his thanks, and assures them that he is highly satisfied with their gallantry and support.

No. 5.

U. S. FRIGATE CONSTITUTION,
Off New York, May 18, 1815.

SIR: Agreeably to an act of Congress, I have the pleasure to transmit to you the flags of His

Captors of the British Ship of War Levant.

Britannic Majesty's late ships *Cyane* and *Levant*, by Captain Henderson, commanding the detachment of marines on board the *Constitution*, whom I beg leave to recommend to your notice.

Captain Henderson is also the bearer of one of the *Constitution*'s muskets, which I request your permission to deposite in the Navy Department, as an evidence of the veracity of the late enemy.

I am, very respectfully, &c.

CHARLES STEWART.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

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No. 6.

BALTIMORE, *May 2, 1815.*

SIR: I have the honor to make known to you my arrival at this place with a part of the officers and crew of the United States frigate *Constitution*, captured in a prize, the *Levant*, in the harbor of Port Praya, in the island of St. Jago, by a squadron of His Britannic Majesty's ships, consisting of the *Leander*, Sir George Collier, the *Newcastle*, Lord George Stewart, and the *Acasta*, Captain Kerr. For the particulars of my recapture, I beg leave to refer you to the enclosed extract from the log-book of the *Levant*.

Having caused the destruction of my own papers, as well as those of the officers with me, I can only say to you, relative to the *Constitution*, that, after leaving the port of Boston, she severally cruised off the islands of Bermuda and Madeira, in the Bay of Biscay, and for some time in sight of the Rock of Lisbon, without having

met with but two of the enemy's vessels, one of which was destroyed, the other ordered in; and that, on the evening of the 20th of February, the island of Maderia bearing west-southwest distant seventy leagues, fell in with, engaged, and, after a close action of forty minutes, captured His Britannic Majesty's ships *Cyane*, Captain Gordon Falcon, and *Levant*, Hon. Captain Douglas. It would, sir, be deemed presumption in me to attempt to give you particular details respecting the nature of this action; I shall, therefore, only remark, generally, that every officer, seaman, and marine on board did their duty. I cannot, however, deny myself the pleasure that this opportunity affords me of noticing the brilliant management of Captain Charles Stewart, through whose unerring judgment every attempt of an ingenious enemy to gain a raking position was frustrated. I have the honor to be, &c.

HENRY E. BALLARD.

The *Cyane* mounted on her main deck twenty-two 32lb. carronades; on her upper deck ten 18lb. carronades, two long 9's, and one 12lb. carronade, on a travelling carriage, with a complement of 175 men.

The *Levant* mounted eighteen 32lb. carronades, two long 9's, and one 12lb. carronade, with 138 men on board.

The *Constitution* had four killed and nine wounded; the *Cyane*, seven killed and seventeen wounded; the *Levant*, nine killed and seventeen wounded.

Hon. B. W. CROWNINSHIELD,
Secretary of the Navy.

Public Acts of Congress.

An Act to repeal so much of an act, passed on the twenty-third day of December, one thousand eight hundred and fourteen, as imposes additional duties on postage.

Be it enacted, &c., That, from and after the thirty-first day of March next, so much of the act, entitled "An act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by duties on sales at auction, and on licenses to retail wines, spirituous liquors, and foreign merchandise, and for increasing the rates of postage," passed the twenty-third day of December, one thousand eight hundred and fourteen, as imposes additional duties on postage, be, and the same is hereby, repealed.

Approved, February 1, 1816.

An Act continuing in force certain acts laying duties on bank notes, refined sugars, and for other purposes.

Be it enacted, &c., That the act, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions," passed the second day of August, one thousand eight hundred and thirteen, and the act supplementary to said act, passed the tenth day of December, one thousand eight hundred and fourteen, and the act, entitled "An act laying duties on sugar refined within the United States," passed the twenty-fourth day of July, one thousand eight hundred and thirteen, shall be, and the same are hereby, continued in force; anything in the said acts in anywise to the contrary notwithstanding.

Approved, February 1, 1816.

An Act to continue in force the act, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes.

Be it enacted, &c., That the additional duties upon goods, wares, and merchandise, imported into the United States, and upon the tonnage of vessels, imposed by the act, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes," passed on the first day of July, in the year one thousand eight hundred and twelve, shall continue to be laid, levied, and collected in the mode therein prescribed, subject in all respects to the same regulations and provisions, and with the like fines, penalties, forfeitures, and remedies for breaches of the law, as are now provided by law, until the thirtieth day of June next, anything in the said act to the contrary thereof in anywise notwithstanding.

SEC. 2. And be it further enacted, That, from and after the said thirtieth day of June next, there shall be laid, levied, and collected, in the manner and under the regulations and allowances now prescribed by law, for the collection and drawback of duties on foreign goods, wares, and mer-

chandise, an additional duty of forty-two per cent. on the duties which shall then exist on foreign goods, wares, and merchandise, until a new tariff of duties shall be established by law.

SEC. 3. And be it further enacted, That nothing in this act contained shall be so construed as to contravene any provision of any commercial treaty, or convention, concluded between the United States and any foreign Power or State; nor so as to impair, or in anywise affect the provisions of the act, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and in vessels of the United States," passed on the third day of March, in the year one thousand eight hundred and fifteen.

Approved, February 5, 1816.

An Act to continue in force "An act entitled an act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries."

Be it enacted, &c., That the act, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," passed on the twenty-ninth day of July, in the year one thousand eight hundred and thirteen, shall be, and the same is hereby, continued in force, anything in the said act to the contrary thereof in anywise notwithstanding.

Approved, February 9, 1816.

An Act concerning certain Courts of the United States in the State of New York.

Be it enacted, &c., That no legal proceedings whatever in the courts of the United States, for the northern district of New York, shall be discontinued, abated, impaired, or affected, by reason that the last terms of the district court for the said northern district, appointed to be held at Utica and Canandaigua were not held, but that every proceeding whatever shall be in the same state, and have the same force and effect, as if the said terms had been duly held.

Approved, February 15, 1816.

An Act to increase the pensions of Robert White, Jacob Wrighter, John Young, and John Crampersoy.

Be it enacted, &c., That there be, and hereby is, granted to Robert White, of Reading, in the State of Vermont, who, in the defence of Fort Erie, lost both his arms by a cannon shot, in lieu of the pension to which he is now entitled by law, a pension of forty dollars per month, to commence on the fifth day of March, one thousand eight hundred and fifteen; to Jacob Wrighter, of the city of Trenton, in the State of New Jersey, who lost his right arm and right leg at the capture of

Public Acts of Congress.

Little York, in Upper Canada, in lieu of the pension to which he is now entitled by law, a pension of thirty dollars per month, to commence on the tenth day of May, one thousand eight hundred and fifteen; to John Young, of the town of Boston, and State of Massachusetts, who lost both arms at French Creek, in descending the river St. Lawrence, by a cannon ball, in lieu of the pension to which he is now entitled by law, a pension of forty dollars per month, to commence from the thirtieth day of April, one thousand eight hundred and fifteen; and to John Crampersy, of the town of Beverly, and State of Massachusetts, who lost both arms in the late war with Great Britain, in lieu of the pension to which he is now entitled by law, a pension of forty dollars per month, to commence from the fifteenth day of November, one thousand eight hundred and fourteen; and the Secretary of War is hereby directed to place the said Robert White, Jacob Wrighter, John Young, and John Crampersy, on the pension list accordingly.

Approved, February 22, 1816.

An Act to repeal the duties on certain articles manufactured within the United States.

Be it enacted, &c., That the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on various goods, wares, and merchandise, manufactured within the United States," passed the eighteenth of January, one thousand eight hundred and fifteen, and also the act, entitled "An act to provide additional revenue for defraying the expenses of Government, and maintaining the public credit, by laying a duty on gold, silver, and plated ware, and jewelry, and paste work, manufactured within the United States," passed on the twenty-seventh of February, one thousand eight hundred and fifteen, be, and the same are hereby, repealed: *Provided,* That for the recovery and receipt of such duties as have accrued, and remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which have been incurred in relation to any duty which shall have heretofore accrued, the provisions of the aforesaid acts shall remain in full force and virtue.

Approved, February 22, 1816.

An Act for the relief of John Redman Cox.

Be it enacted, &c., That the duties which have been secured to be paid by John Redman Cox to the United States, on the importation into the same of a philosophical apparatus, and of a collection of mineral substances, to be used by him as professor of chemistry in the University of Pennsylvania, be, and the same are hereby, remitted, on sufficient proof being made, to the Comptroller of the Treasury, that the articles above-mentioned have been imported by the said Cox, to be used for the purposes aforementioned.

Approved, February 23, 1816.

An Act rewarding the officers and crew of the sloop-of-war Hornet, for the capture and destruction of the British sloop-of-war Penguin.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Captain James Biddle, of the sloop-of-war Hornet, his officers, and crew, the sum of twenty-five thousand dollars, for the capture and destruction of the British sloop-of-war Penguin; and that the sum of twenty-five thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated, for the purpose aforesaid.

Approved, February 23, 1816.

An Act concerning the Convention to regulate the commerce between the territories of the United States and His Britannic Majesty.

Be it enacted, &c., That so much of any act as imposes a higher duty of tonnage, or of impost, on vessels and articles imported in vessels of Great Britain, than on vessels and articles imported in vessels of the United States, contrary to the provisions of the convention between the United States and His Britannic Majesty, the ratifications whereof were mutually exchanged the twenty-second day of December, one thousand eight hundred and fifteen, be, from and after the date of the ratification of the said convention, and during the continuance thereof, deemed and taken to be of no force or effect.

Approved, March 1, 1816.

An Act to reduce the amount of direct tax upon the United States, and the District of Columbia, for the year one thousand eight hundred and sixteen; and to repeal in part the act, entitled "An act to provide additional revenue for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," and also the act, entitled "An act to provide additional revenue for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the District of Columbia."

Be it enacted, &c., That so much of the act entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," passed on the ninth of January, one thousand eight hundred and fifteen, as lays a direct tax of six millions of dollars for the year one thousand eight hundred and sixteen, and for succeeding years, be, and the same is hereby, repealed.

Sec. 2. And be it further enacted, That a direct tax of three millions of dollars be, and the same is hereby, laid upon the United States, for the year one thousand eight hundred and sixteen, and apportioned to the States respectively, in the manner, and according to the sums prescribed by the first section of an act, entitled "An act to lay and collect a direct tax within the United States,"

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and all the provisions of the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," passed on the ninth of January, one thousand eight hundred and fifteen, except so far as the same have been varied by subsequent acts, and excepting the first section of the said act, shall be held to apply to the assessment and collection of the direct tax of three millions of dollars, hereby laid upon the United States.

SEC. 3. *And be it further enacted,* That so much of the act, entitled "An act to provide additional revenue for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the District of Columbia," passed the twenty-seventh of February, in the year one thousand eight hundred and fifteen, as lays a direct tax of nineteen thousand nine hundred and ninety-eight dollars and forty cents, upon the said District, for the year one thousand eight hundred and sixteen, and for succeeding years, be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted,* That a direct tax of nine thousand nine hundred and ninety-nine dollars and twenty cents be, and the same is hereby, laid upon the District of Columbia, for the year one thousand eight hundred and sixteen, and all the provisions of the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the District of Columbia," passed on the twenty-seventh day of February, in the year one thousand eight hundred and fifteen, except so far as the same have been varied by subsequent acts, shall be held to apply to the assessment and collection of the direct tax which is hereinbefore laid upon the said District.

SEC. 5. *And be it further enacted,* That whenever the Secretary of the Treasury shall be duly advised of the assumption by any State of the payment of its quota of the said direct tax, he shall give directions to the assessors of such State to suspend the further execution of their respective offices in relation to this act: *Provided,* That if any State, so assuming the payment of its quota of said direct tax, shall fail to pay the same at the time fixed upon for such payment, the Secretary of the Treasury shall instruct the assessors of said State to proceed in the execution of their respective duties, in relation to this act.

SEC. 6. *And be it further enacted,* That if either the States of Ohio or Louisiana shall pay its quota of the direct tax according to the provisions of the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," the Legislature thereof shall be, and they are hereby, authorized and empowered to collect of all the purchasers of public lands under any law of the United States, a just and equal propor-

tion of the quota of said States respectively, the compact between the United States and the said States to the contrary notwithstanding.

Approved, March 5, 1816.

An Act granting bounties in lands and extra pay to certain Canadian volunteers.

Be it enacted, &c., That all such persons as had been citizens of the United States anterior to the late war, and were at its commencement inhabitants of the province of Canada, and who, during the said war, joined the armies of the United States as volunteers, and were slain, died in service, or continued therein till honorably discharged, shall be entitled to the following quantities of land respectively, viz: Each colonel nine hundred and sixty acres; each major to eight hundred acres; each captain six hundred and forty acres; each subaltern officer to four hundred and eighty acres; each non-commissioned officer, musician, or private, to three hundred and twenty acres; and the bounties aforesaid shall extend to the medical and other staff, who shall rank according to their pay. And it shall be lawful for the said persons to locate their claims in quarter sections, upon any of the unappropriated lands of the United States, within the Indiana Territory, which shall have been surveyed prior to such location, with the exception of salt springs and lead mines therein, and of the quantities of land adjacent thereto which may be reserved for the use of the same, by the President of the United States, and the section number sixteen in every township, to be granted to the inhabitants of such township for the use of public schools; which locations shall be subject to such regulations, as to priority of choice, and the manner of location, as the President of the United States shall prescribe.

SEC. 2. *And be it further enacted,* That the Secretary for the Department of War, for the time being, shall, from time to time, under such rules and regulations as to evidence as the President of the United States shall prescribe, issue to every person coming within the description aforesaid, a warrant for such quantity of land as he may be entitled to by virtue of the aforesaid provision; and in case of the death of such person, then such warrant shall be issued to his widow, or, if no widow, to his child or children.

SEC. 3. *And be it further enacted,* That the Treasurer of the United States be, and he is hereby, authorized and required to pay to each of the persons aforesaid three months additional pay, according to the rank they respectively held in the Army of the United States during the late war.

Approved, March 5, 1816.

An Act making appropriations for ordnance and ordnance stores, for the year one thousand eight hundred and sixteen.

Be it enacted, &c., That for the expense of ordnance and ordnance stores, including arsenals, magazines, and armories, for the year one thousand

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and eight hundred and sixteen, the following sums be, and the same are hereby, respectively appropriated, that is to say: for armories, three hundred and thirty-seven thousand eight hundred and forty-eight dollars twenty-five cents; for arsenals, three hundred and eighty-three thousand dollars; for timber for mounting cannon, seventy-five thousand dollars; for coals, iron, and steel, seventy-nine thousand dollars; for contracts for gunpowder, ninety-three thousand dollars; for contracts for cannon, shot, and shells, one hundred and eleven thousand dollars; in part of the annual sum of two hundred thousand dollars, appropriated for the purpose of providing arms and military equipments for the militia, eighty-nine thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 18, 1816.

An Act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories.

Be it enacted, &c., That, instead of the daily compensation now allowed by law, there shall be paid annually to the Senators, Representatives, and Delegates from Territories, of this and every future Congress of the United States, the following sums, respectively: that is to say, to the President of the Senate, pro tempore, when there is no Vice President, and to the Speaker of the House of Representatives, three thousand dollars each; to each Senator, member of the House of Representatives, other than the Speaker and Delegates, the sum of fifteen hundred dollars: *Provided, nevertheless*, That in case any Senator, Representative, or Delegate, shall not attend in his place at the day on which Congress shall convene, or shall absent himself before the close of the session, a deduction shall be made from the sum which would otherwise be allowed to him, in proportion to the time of his absence, saving to the cases of sickness the same provisions as are established by existing laws. And the aforesaid allowance shall be certified and paid in the same manner as the daily compensation to members of Congress has heretofore been.

Approved, March 19, 1816.

An Act to alter the times of holding the Circuit and District Courts of the United States, for the District of Vermont.

Be it enacted, &c., That the circuit court of the United States within and for the district of Vermont, instead of the first day of May, shall hereafter be holden on the twenty-first day of May, and the district court of the United States, within and for the said district, instead of the seventh day of May, shall hereafter be holden on the twenty-seventh day of May, at the place now fixed by law for holding the said courts.

SEC. 2. *And be it further enacted*, That all indictments, informations, suits, or actions and pro-

ceedings of every kind, whether of a civil or criminal nature, now pending in the said courts, respectively, shall have day in court and be proceeded in, heard, tried, and determined on the days herein appointed for holding the said courts respectively, in the same manner as they might, and ought to have been done, had the said courts been holden, respectively, on the first and seventh days of May, as heretofore directed by law.

SEC. 3. *And be it further enacted*, That all writs, suits, actions, recognizances, or other proceedings which are or shall be instituted, sued, commenced, had, or taken to the said circuit court to have been holden as heretofore on the first day of May next, or to the said district court to have been holden as heretofore on the seventh day of May next, shall be returnable to, entered in, heard, tried, and have day in court in each of the said courts, respectively, to be holden at the times hereinbefore directed, in the same manner as might and ought to have been done, had the said courts been holden, respectively, on the first and seventh days of May, as heretofore directed by law.

SEC. 4. *And be it further enacted*, That, if at any time hereafter, the day or days prescribed by this act for holding either of the said courts shall be a Sunday, such court shall commence and be holden on the following day.

Approved, March 22, 1816.

An Act relative to evidence in cases of Naturalization.

Be it enacted, &c., That the certificate of report and registry, required as evidence of the time of arrival in the United States, according to the second section of the act of the fourteenth of April, one thousand eight hundred and two, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on this subject; and also a certificate from the proper clerk or prothonotary, of the declaration of intention, made before a court of record, and required as the first condition, according to the first section of said act, shall be exhibited by every alien, on his application to be admitted a citizen of the United States, in pursuance of said act, who shall have arrived within the limits and under the jurisdiction of the United States since the eighteenth day of June, one thousand eight hundred and twelve, and shall each be recited at full length in the record of the court admitting such alien; otherwise he shall not be deemed to have complied with the conditions requisite for becoming a citizen of the United States; and any pretended admission of an alien, who shall have arrived within the limits and under the jurisdiction of the United States, since the said eighteenth day of June, one thousand eight hundred and twelve, to be a citizen after the promulgation of this act, without such recital of each certificate at full length, shall be of no validity or effect under the act aforesaid.

SEC. 2. *Provided, and be it enacted*, That nothing herein contained shall be construed to exclude from admission to citizenship any free white

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person who was residing within the limits and under the jurisdiction of the United States at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who, having continued to reside therein without having made any declaration of intention before a court of record, as aforesaid, may be entitled to become a citizen of the United States according to the act of the twenty-sixth of March, one thousand eight hundred and four, entitled "An act, in addition to an act, entitled 'An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject.'" Whenever any person without a certificate of such declaration of intention, as aforesaid, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court that the applicant was residing within the limits and under the jurisdiction of the United States, before the fourteenth day of April, one thousand eight hundred and two, and has continued to reside within the same, or he shall not be so admitted. And the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses. And such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens in the record of the court admitting the applicant: otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Approved, March 22, 1816.

An Act authorizing a subscription for the printing of a second edition of the Public Documents.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized to subscribe for and receive, for the use and disposal of Congress, five hundred copies of the second and improved edition of State papers and public documents, proposed to be printed by T. B. Wait and Sons; the said edition to be comprised in nine volumes; and the aforesaid copies to be delivered, in strong leather binding, at the Department of State, at the rate of two dollars and a quarter for each volume.

SEC. 2. *And be it further enacted,* That the Secretary of State be, and is hereby, authorized, on the delivery, as aforesaid, of five hundred copies of the first volume of the said edition, to pay for the same at the rate aforesaid; and in like manner to pay for the same number of each succeeding volume, when delivered as aforesaid; and the sum of ten thousand one hundred and twenty-five dollars is hereby appropriated for the purpose aforesaid, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 25, 1816.

An Act relating to settlers on the lands of the United States.

Be it enacted, &c., That any person or persons who, before the first day of February, one thousand eight hundred and sixteen, had taken possession of, occupied or made a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands had not been previously sold, ceded, or released, by the United States, or the claim to which lands had not been previously recognised or confirmed by the United States, and who, at the time of passing this act, does or do actually inhabit and reside on such lands, may, at any time prior to the first day of September next, apply to the proper register or recorder, as the case may be, of the land office established for the disposal, registering or recording of such lands; and where there is no register or recorder, to the marshal, or to such person or persons as may be, by the registers, recorders, or marshals, respectively, appointed for the purpose of receiving such applications, stating the tract or tracts of land thus occupied, settled, and inhabited, by such applicant or applicants, and requesting permission to continue thereon; and it shall thereupon be lawful for such register, recorder, or marshal, respectively, to permit, in conformity with such instructions as may be given by the Secretary of the Treasury, with the approbation of the President of the United States, for that purpose, such applicant or applicants to remain on such tract or tracts of land, provided the same shall at that time remain unsold by the United States, not exceeding three hundred and twenty acres for each applicant, as tenants at will, on such terms and conditions as shall prevent any waste or damage on such lands, and on the express condition that such applicant or applicants shall, whenever such tract or tracts of land may be sold or ceded by the United States, or whenever, from any other cause, he or they may be required, under the authority of the United States, so to do, give quiet possession of such tract or tracts of land to the purchaser or purchasers, or to remove altogether from the land, as the case may be: *Provided, however,* That such permission shall not be granted to any such applicant unless he shall previously sign a declaration, stating that he does not lay any claim to such tract or tracts of land, and that he does not occupy the same by virtue of any claim, or pretended claim, derived or pretended to be derived, from any other person or persons: *And provided also,* That in all cases where the tract of land applied for includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States.

SEC. 2. *And be it further enacted,* That all the applications made and permissions granted, by virtue of the preceding section, shall be duly entered on books to be kept for that purpose by the registers, recorders, and marshals, aforesaid, respectively; and they shall be entitled to receive

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from the party, for each application, fifty cents, and for each permission, one dollar.

Approved, March 25, 1816.

An Act placing certain persons on the list of Navy Pensioners.

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized and required to place on the list of navy pensioners those persons who were wounded at Dartmoor prison, in England, in the month of April, one thousand eight hundred and fifteen; also, the widows and children of such as were killed, or who died in consequence of wounds received there; and that, in the allowance of pensions to persons aforesaid, the regulations established by law, in relation to the placing persons on the list of navy pensioners, be observed.

SEC. 2. *And be it further enacted,* That this act shall be construed to take effect from the sixth day of April, in the year one thousand eight hundred and fifteen.

Approved, April 2, 1816.

An Act to limit the right of appeal from the Circuit Court of the United States, for the District of Columbia.

Be it enacted, &c., That no cause shall hereafter be removed from the circuit court of the United States for the District of Columbia to the Supreme Court of the United States, by appeal or writ of error, unless the matter in dispute in such cause shall be of the value of one thousand dollars or upwards, exclusive of costs.

SEC. 2. *Provided always, and be it further enacted,* That when any person or persons, body politic or corporate, shall think him, her, or themselves, aggrieved by any final judgment, order, or decree, of the said circuit court, where the matter in dispute, exclusive of costs, shall be of the value of one hundred dollars, and of less value than one thousand dollars, and shall have prayed an appeal, or shall desire to sue out a writ of error to the Supreme Court of the United States, such person or persons, body politic or corporate, may exhibit a petition, in writing, accompanied by a copy of the proceedings complained of, and an assignment of the errors relied on, to any judge of the said Supreme Court, who, if he should be of opinion that such errors, or any of them, involve questions of law of such extensive interest and operation as to render the final decision of them by the said Supreme Court desirable, may thereupon, at his discretion, and upon the terms and conditions prescribed by law, by his order, to be directed to the clerk of the county in which the proceedings shall have been had, direct such appeal to be allowed, or writ of error to be issued; which shall be done accordingly.

SEC. 3. *And be it further enacted,* That when any appeal or writ of error shall have been directed in the manner prescribed by the second

section of this act, and the order of the judge of the Supreme Court aforesaid thereon, shall have been filed in the office of the clerk of the proper county, within thirty days after the end of the term at which the judgment, order, or decree, to be affected by such writ of error or appeal, shall have been rendered or made, such writ of error or appeal shall operate as a supersedeas of all proceedings under such judgment, order, or decree.

Approved, April 2, 1816.

An Act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes.

Be it enacted, &c., That any volunteer, or draughted militiaman, whether of cavalry, mounted riflemen, or infantry, who, in the late war between the United States and Great Britain, has sustained damage by the loss of any horse which has been killed in battle, or which has died in consequence of a wound therein received, or in consequence of failure on the part of the United States to furnish such horse with sufficient forage, while in the military service of the United States, shall be allowed and paid the value thereof.

SEC. 2. *And be it further enacted,* That any person, whether of cavalry, mounted militia, or volunteers, who, in the late war aforesaid, has sustained damage by the loss of a horse, in consequence of the owner being dismounted, or separated and detached from the same, by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time he was received into the public service.

SEC. 3. *And be it further enacted,* That any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction, by an enemy, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction, was without any fault or negligence on the part of the owner; and any person who, during the time aforesaid, has sustained damage by the death of any such horse, mule, or ox, in consequence of failure on the part of the United States to furnish the same with sufficient forage, while in the service aforesaid, shall be allowed and paid the value thereof.

SEC. 4. *And be it further enacted,* That any person who, in the time aforesaid, has acted in the military service of the United States as a volunteer or draughted militiaman, and who has furnished himself with arms and military accoutrements, and has sustained damage by the capture or destruction of the same, without any fault or negligence on his part, shall be allowed and paid the value thereof.

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SEC. 5. *And be it further enacted,* That where any property has been impressed, or taken by public authority, for the use or subsistence of the Army, during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk for the same, while in the service aforesaid.

SEC. 6. *And be it further enacted,* That nothing in this act contained shall be so construed as to enable the owner of any such property, or his legal representatives, to receive compensation for such loss or damage as abovementioned, where the owner of such property, or his legal representatives, may have recovered or received satisfaction for such loss from the persons who may have taken or impressed such property into the public service; and that every person claiming such compensation shall, at the time of receiving the same, release all claims he may have against the officer or person who may have impressed, taken, or used, such property in the public service; and that, in all cases where the owner of such property, or his legal representative, may have recovered or received satisfaction for such loss or injury, from the person who shall so have taken such property into the public service, the said officer or person, who shall so have paid such loss or damage, shall be entitled to receive the compensation provided by this act for such loss or damage.

SEC. 7. *And be it further enacted,* That the Accountant of the War Department, in adjusting and settling the accounts of the different paymasters, is hereby authorized to allow to the officers of volunteer cavalry, who furnished their own horses while in public service, at the rate of forty cents per day for each horse so furnished, which any such officer was entitled by law to keep in such service, agreeably to the rank of such officer.

SEC. 8. *And be it further enacted,* That when any officer, noncommissioned officer, or private, in the cavalry service, as aforesaid, having lost the horse or horses, which may have been taken by him into the said service, has received from the United States another horse or horses, in lieu, or in part payment, for the horse or horses so previously lost as aforesaid, such officer, noncommissioned officer, or private, shall be entitled to receive the allowance of forty cents per day for the use and risk of the horse on which he may have been so remounted.

SEC. 9. *And be it further enacted,* That any person who, in the time aforesaid, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposite, under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage: *Provided,* It shall appear that such occupation was the cause of its destruction.

SEC. 10. *And be it further enacted,* That the loss or destruction, as aforesaid, as well as the value, of such property shall be ascertained by the best evidence which the nature of the case will

admit of, and which may be in the power of the party to produce; and the amount thereof, when established and ascertained, according to the provisions of this act, shall be paid to the sufferer or sufferers, out of any money in the Treasury, not otherwise appropriated.

SEC. 11. *And be it further enacted,* That, for the more speedy execution of the provisions of this act, the President of the United States, by and with the consent of the Senate, is hereby authorized to appoint one commissioner, whose duty it shall be to decide upon all cases arising under this act; and who, in the discharge of his duties, shall be subject to such rules and regulations as shall be prescribed by the President of the United States. Such commissioner shall receive, as compensation for his services, at the rate of two thousand dollars per annum, for the time he shall be actually employed, which shall not exceed two years, to be computed from and after the passage of this act. All official communications to and from the commissioner appointed under this act shall be free of postage.

SEC. 12. *And be it further enacted,* That the said commissioner, so to be appointed, before he enters upon the duties of his office, shall take the following oath, to wit: "I, A B, do solemnly swear, that I will well and truly, according to the best of my abilities, discharge the duties of commissioner under an act of Congress, entitled 'An act to authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes;' so help me God." Upon which he shall proceed to appoint a clerk; and shall proceed, with all practicable despatch, to establish, under the direction, or with the assent, of the President of the United States, such rules, as well in regard to the receipt of applications of claimants to compensation for losses provided for by this act, as the species and degree of evidence, the manner in which such evidence shall be taken and authenticated, as shall, in his opinion, be the best calculated to attain the objects of this act; paying a due regard, in the establishment of such regulations, as well to the claims of individual justice as to the interest of the United States: which rules and regulations shall, upon his adoption, be published for eight weeks, successively, in the newspapers in the several States and Territories in which the laws of the United States are published.

SEC. 13. *And be it further enacted,* That the said commissioner shall, in all cases in which the claim to compensation or indemnity shall exceed the sum of two hundred dollars, award a commission to some one or more discreet commissioner, in the vicinity of where the witnesses are stated to reside, accompanied by interrogatories to be propounded to such witnesses, which said commission, when executed, shall be returned, together with the examinations to be taken in virtue thereof, by mail, free of postage, to the office of the said commissioner.

SEC. 14. *And be it further enacted,* That, in all adjudications of the said commissioner upon

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the claims abovementioned, whether such judgment be in favor of, or adverse to, the claim of the applicant, the same shall be entered by his clerk in a book to be provided for that purpose. And when such judgment shall be in favor of such claim, shall entitle the claimant, or his legal representative, upon the production of a copy of such judgment, duly certified by the clerk of said commissioner, to payment of the amount thereof at the Treasury of the United States.

Sec. 15. *And be it further enacted*, That no claim authorized by this act shall be allowed or paid, unless the same shall be exhibited within two years from the passing thereof.

Approved, April 9, 1816.

An Act to repeal the act, entitled "An act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying duties on household furniture and on gold and silver watches."

Be it enacted, &c., That so much of the act, entitled "An act to provide additional revenue for defraying the expenses of Government and maintaining the public credit, by laying duties on household furniture and on gold and silver watches," as lays a duty on household furniture, and on watches kept for use, in the year one thousand eight hundred and sixteen, and in succeeding years, shall be, and the same is hereby, repealed.

Approved, April 9, 1816.

An Act for the remission of certain duties on the importation of books for the use of Harvard College, and on the carriage and personal baggage of his Excellency William Gore, Governor of the British province of Upper Canada.

Be it enacted, &c., That all duties due and payable to the United States on an invoice of books belonging to Harvard College, in Cambridge, Massachusetts, imported into Boston, in the year one thousand eight hundred and fifteen, be, and the same are hereby, remitted.

Sec. 2. *And be it further enacted*, That all duties due and payable to the United States on the carriage and personal baggage of his Excellency William Gore, Governor of the British province of Upper Canada, imported into New York, in the year one thousand eight hundred and fifteen, be, and the same are hereby, remitted.

Approved, April 9, 1816.

An Act in addition to an act to regulate the Post Office Establishment.

Be it enacted, &c., That, from and after the first day of May next, the following rates of postage be charged upon all letters and packets, (except such as are now excepted by law,) conveyed by the posts of the United States, viz:

For every letter composed of a single sheet of paper, conveyed not exceeding thirty miles, six

cents; over thirty and not exceeding eighty, ten cents; over eighty and not exceeding one hundred and fifty, twelve and a half cents; over one hundred and fifty and not exceeding four hundred, eighteen and a half cents; over four hundred miles, twenty-five cents; and for every double letter, or letter composed of two pieces of paper, double those rates; and for every triple letter, or one composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper, or one or more other articles, and weighing one ounce avoirdupois, quadruple those rates: and in that proportion for all greater weights: *Provided*, That no packets of letters conveyed by the water mails shall be charged with more than quadruple postage, unless the same shall contain more than four distinct letters.

No postmaster shall be obliged to receive, to be conveyed by the mail, any packet which shall weigh more than three pounds; and the postage marked on any letter or packet, and charged in the post bill which may accompany the same, shall be conclusive evidence, in favor of the postmaster who delivers the same, of the lawful postage thereon, unless such letter or packet shall be opened in presence of the postmaster or his clerk.

Every four folio pages, or eight quarto pages, or sixteen octavo pages, of a pamphlet or magazine, shall be considered a sheet, and the surplus pages of any pamphlet or magazine shall also be considered a sheet; and the Journals of the Legislatures of the several States, not being stitched or bound, shall be liable to the same postage as pamphlets. Any memorandum which shall be written on a newspaper, or other printed paper, and transmitted by mail, shall be charged letter postage; and any person who shall deposit such memorandum in any office for the purpose of defrauding the revenue, shall forfeit, for every such offence, the sum of five dollars.

Sec. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to allow to each postmaster such commission on the postages by him collected, as shall be adequate to his services: *Provided*, That his commission shall not exceed the following several rates on the amount received in one quarter; that is to say:

On a sum not exceeding one hundred dollars, thirty per cent.

On any sum over and above the first hundred dollars, and not exceeding four hundred dollars, twenty-five per cent.

On any sum over and above the first four hundred dollars, and not exceeding two thousand four hundred dollars, twenty per cent.

On any sum over and above the first two thousand four hundred dollars, eight per cent.

Except to the postmasters who may be employed in receiving and despatching foreign mails, whose compensation may be augmented not exceeding twenty-five dollars in one quarter; and excepting to the postmasters at offices where the mail is regularly to arrive between the hours of nine o'clock at night and five in the morning, whose

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commission, on the first hundred dollars collected in one quarter, may be increased to a sum not exceeding fifty per cent.

The Postmaster General may allow to the postmasters, respectively, a commission of fifty per cent. on the moneys arising from the postage of newspapers, magazines, and pamphlets; and to the postmaster whose compensation shall not exceed five hundred dollars in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the postmaster himself; and each postmaster who shall be required to keep a register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes thereof to the General Post Office.

The Postmaster General may allow to the postmaster at New Orleans, at the rate of eight hundred dollars, and to the postmaster at Warrenton, in North Carolina, at the rate of two hundred dollars, and to the postmaster at Wheeling, in Virginia, at the rate of two hundred dollars a year, in addition to their ordinary commissions. The Postmaster General is hereby authorized to allow to the postmaster at the City of Washington, in addition to the allowance made by this act for postage collected, and for free letters received by him for delivery, a commission of five per centum on the amount of mails distributed at his office: *Provided, nevertheless*, That the whole annual emoluments of the said postmaster, including the extra compensation heretofore allowed to him by law, shall always be subject to the restriction imposed by the fortieth section of the act of Congress approved the thirtieth of April, one thousand eight hundred and ten, to which this act is in addition.

SEC. 3. *And be it further enacted*, That letters and packets to and from any member of the Senate, or member or delegate of the House of Representatives of the United States, the Secretary of the Senate, and Clerk of the House of Representatives, shall be conveyed free of postage, for thirty days previous to each session of Congress, and for thirty days after the termination thereof: *Provided always*, That no letter or packet shall exceed two ounces in weight, and in case of excess of weight, that excess alone shall be paid for.

SEC. 4. *And be it further enacted*, That the eleventh and twenty-eighth sections of the act, entitled "An act regulating the Post Office Establishment," approved April thirtieth, one thousand eight hundred and ten, and the first and second sections of the act, entitled "An act in addition to the act regulating the Post Office Establishment," approved February twenty-seventh, one thousand eight hundred and fifteen, and the fourth and fifth sections of the same, except such parts as relate to steamboats, their masters, or managers, and persons employed on board the same, be, and the same are hereby, repealed.

SEC. 5. *And be it further enacted*, That this act shall take effect from and after the thirty-first day of March, one thousand eight hundred and sixteen.

Approved, April 9, 1816.

An Act to incorporate the subscribers to the Bank of the United States.

Be it enacted, &c., That a bank of the United States of America shall be established, with a capital of thirty-five millions of dollars, divided into three hundred and fifty thousand shares, of one hundred dollars each share. Seventy thousand shares, amounting to the sum of seven millions of dollars, part of the capital of the said bank, shall be subscribed and paid for by the United States, in the manner hereinafter specified; and two hundred and eighty thousand shares, amounting to the sum of twenty-eight millions of dollars, shall be subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified.

SEC. 2. *And be it further enacted*, That subscriptions for the sum of twenty-eight millions of dollars, towards constituting the capital of the said bank, shall be opened on the first Monday in July next, at the following places: that is to say, at Portland, in the District of Maine; at Portsmouth, in the State of New Hampshire; at Boston, in the State of Massachusetts; at Providence, in the State of Rhode Island; at Middletown, in the State of Connecticut; at Burlington, in the State of Vermont; at New York in the State of New York; at New Brunswick, in the State of New Jersey; at Philadelphia, in the State of Pennsylvania; at Wilmington, in the State of Delaware; at Baltimore, in the State of Maryland; at Richmond, in the State of Virginia; at Lexington, in the State of Kentucky; at Cincinnati, in the State of Ohio; at Raleigh, in the State of North Carolina; at Nashville, in the State of Tennessee; at Charleston, in the State of South Carolina; at Augusta, in the State of Georgia; at New Orleans, in the State of Louisiana; and at Washington, in the District of Columbia. And the said subscriptions shall be opened under the superintendence of five commissioners at Philadelphia, and of three commissioners at each of the other places aforesaid, to be appointed by the President of the United States, who is hereby authorized to make such appointments, and shall continue open every day, from the time of opening the same, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for the term of twenty days, exclusive of Sundays, when the same shall be closed, and immediately thereafter the commissioners, or any two of them, at the respective places aforesaid, shall cause two transcripts or copies of such subscriptions to be made, one of which they shall send to the Secretary of the Treasury, one they shall retain, and the original they shall transmit, within seven days from the closing of the subscriptions as aforesaid, to the commissioners at Philadelphia aforesaid. And on the receipt of the said original subscriptions, or of either of the said copies thereof, if the original be lost, mislaid, or detained, the commissioners at Philadelphia aforesaid, or a majority of them, shall immediately thereafter convene, and proceed to take an account of the said subscriptions. And if more than the amount of twenty-eight millions of dol-

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lars shall have been subscribed, then the said last mentioned commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner as that no subscription shall be reduced in amount, while any one remains larger: *Provided*, That if the subscriptions taken at either of the places aforesaid shall not exceed three thousand shares, there shall be no reduction of such subscriptions, nor shall, in any case, the subscriptions taken at either of the places aforesaid be reduced below that amount. And in case the aggregate amount of the said subscriptions shall exceed twenty-eight millions of dollars, the said last mentioned commissioners, after having apportioned the same as aforesaid, shall cause lists of the said apportioned subscriptions to be made out, including in each list the apportioned subscription for the place where the original subscription was made, one of which lists they shall transmit to the commissioners or one of them, under whose superintendence such subscriptions were originally made, that the subscribers may thereby ascertain the number of shares to them respectively apportioned as aforesaid. And in case the aggregate amount of the said subscriptions made during the period aforesaid, at all the places aforesaid, shall not amount to twenty-eight millions of dollars, the subscriptions to complete the said sum shall be and remain open at Philadelphia aforesaid, under the superintendence of the commissioners appointed for that place; and the subscriptions may be then made by any individual, company, or corporation, for any number of shares, not exceeding, in the whole, the amount required to complete the said sum of twenty-eight millions of dollars.

SEC. 3. *And be it further enacted*, That it shall be lawful for any individual, company, corporation, or State, when the subscriptions shall be opened as hereinbefore directed, to subscribe for any number of shares of the capital of the said bank, not exceeding three thousand shares, and the sums so subscribed shall be payable, and paid, in the manner following: that is to say, seven millions of dollars thereof in gold or silver coin of the United States, or in gold coin of Spain, or the dominions of Spain, at the rate of one hundred cents for every twenty-eight grains and sixty hundredths of a grain of the actual weight thereof, or in other foreign gold or silver coin at the several rates prescribed by the first section of an act regulating the currency of foreign coins in the United States, passed tenth day of April, one thousand eight hundred and six, and twenty-one millions of dollars thereof in like gold or silver coin, or in the funded debt of the United States contracted at the time of the subscriptions respectively. And the payments made in the funded debt of the United States, shall be paid and received at the following rates: that is to say, the funded debt bearing an interest of six per centum per annum, at the nominal or par value thereof; the funded debt bearing an interest of three per centum per annum, at the rate of sixty-five dollars for every sum of one hundred dollars of the nominal amount thereof; and the funded debt

bearing an interest of seven per centum per annum, at the rate of one hundred and six dollars and fifty-one cents, for every sum of one hundred dollars of the nominal amount thereof; together with the amount of the interest accrued on the said several denominations of funded debt, to be computed and allowed to the time of subscribing the same to the capital of the said bank as aforesaid. And the payments of the said subscriptions shall be made and completed by the subscribers, respectively, at the times and in the manner following: that is to say, at the time of subscribing there shall be paid five dollars on each share, in gold or silver coin as aforesaid, and twenty-five dollars more in coin as aforesaid, or in funded debt as aforesaid; at the expiration of six calendar months after the time of subscribing, there shall be paid the further sum of ten dollars on each share, in gold or silver coin as aforesaid, and twenty-five dollars more in coin as aforesaid, or in funded debt as aforesaid; at the expiration of twelve calendar months from the time of subscribing, there shall be paid the further sum of ten dollars, on each share, in gold or silver coin as aforesaid, and twenty-five dollars more, in coin as aforesaid, or in funded debt as aforesaid.

SEC. 4. *And be it further enacted*, That, at the time of subscribing to the capital of the said bank as aforesaid, each and every subscriber shall deliver to the commissioners, at the place of subscribing, as well the amount of their subscriptions respectively in coin as aforesaid, as the certificates of funded debt, for the funded debt proportions of their respective subscriptions, together with a power of attorney, authorizing the said commissioners, or a majority of them, to transfer the said stock, in due form of law to "the president, directors, and company, of the Bank of the United States," as soon as the said bank shall be organized. *Provided always*, That if, in consequence of the apportionment of the shares in the capital of the said bank among the subscribers, in the case, and in the manner, hereinbefore provided, any subscriber shall have delivered to the commissioners, at the time of subscribing, a greater amount of gold or silver coin and funded debt than shall be necessary to complete the payments for the share or shares to such subscribers, apportioned as aforesaid, the commissioners shall only retain so much of the said gold or silver coin, and funded debt, as shall be necessary to complete such payments, and shall, forthwith, return the surplus thereof, on application for the same to the subscribers lawfully entitled thereto. And the commissioners, respectively, shall deposite the gold and silver coin, and certificates of public debt by them respectively received as aforesaid from the subscribers to the capital of the said bank, in some place of secure and safe keeping, so that the same may and shall be specially delivered and transferred, as the same were by them respectively received, to the president, directors, and company, of the Bank of the United States, or to their order, as soon as shall be required after the organization of the said bank. And the said commissioners appointed to superintend the subscrip-

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tions to the capital of the said bank as aforesaid, shall receive a reasonable compensation for their services respectively, and shall be allowed all reasonable charges and expenses incurred in the execution of their trust, to be paid by the president, directors, and company, of the bank, out of the funds thereof.

SEC. 5. *And be it further enacted,* That it shall be lawful for the United States to pay and redeem the funded debt subscribed to the capital of the said bank, at the rates aforesaid, in such sums, and at such times, as shall be deemed expedient, anything in any act or acts of Congress to the contrary thereof notwithstanding. And it shall also be lawful for the president, directors, and company, of the said bank, to sell and transfer for gold and silver coin, or bullion, the funded debt subscribed to the capital of the said bank as aforesaid: *Provided always,* That they shall not sell more thereof than the sum of two millions of dollars in any one year; nor sell any part thereof at any time within the United States, without previously giving notice of their intention to the Secretary of the Treasury, and offering the same to the United States for the period of fifteen days, at least, at the current price, not exceeding the rates aforesaid.

SEC. 6. *And be it further enacted,* That, at the opening of subscription to the capital stock of the said bank, the Secretary of the Treasury shall subscribe, or cause to be subscribed, on behalf of the United States, the said number of seventy thousand shares, amounting to seven millions of dollars as aforesaid, to be paid in gold or silver coin, or in stock of the United States, bearing interest at the rate of five per centum per annum; and if payment thereof or of any part thereof, be made in public stock, bearing interest as aforesaid, the said interest shall be payable quarterly, to commence from the time of making such payment on account of the said subscription, and the principal of the said stock shall be redeemable in any sums, and at any periods, which the Government shall deem fit. And the Secretary of the Treasury shall cause the certificates of such public stock to be prepared, and made in the usual form, and shall pay and deliver the same to the president, directors, and company, of the said bank on the first day of January, one thousand eight hundred and seventeen, which said stock it shall be lawful for the said president, directors, and company, to sell and transfer for gold and silver coin or bullion at their discretion: *Provided,* They shall not sell more than two millions of dollars thereof in any one year.

SEC. 7. *And be it further enacted,* That the subscribers to the said Bank of the United States of America, their successors and assigns, shall be, and are hereby, created a corporation and body politic, by the name and style of "The president, directors, and company, of the Bank of the United States," and shall so continue until the third day of March, in the year one thousand eight hundred and thirty-six, and by that name shall be, and are hereby, made able and capable, in law, to have, purchase, receive, possess, enjoy, and re-

tain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatsoever kind, nature, and quality, to an amount not exceeding, in the whole, fifty-five millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all State courts having competent jurisdiction, and in any circuit court of the United States: and also to make, have, and use, a common seal, and the same to break, alter, and renew, at their pleasure: and also to ordain, establish, and put in execution, such by-laws, and ordinances, and regulations, as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or to the laws of the United States; and generally to do and execute all and singular the acts, matters, and things, which to them it shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions, hereinafter prescribed and declared.

SEC. 8. *And be it further enacted,* That, for the management of the affairs of the said corporation, there shall be twenty-five directors, five of whom, being stockholders, shall be annually appointed by the President of the United States, by and with the advice and consent of the Senate, not more than three of whom shall be residents of any one State; and twenty of whom shall be annually elected at the banking-house in the city of Philadelphia, on the first Monday of January, in each year, by the qualified stockholders of the capital of the said bank other than the United States, and by a plurality of votes then and there actually given, according to the scale of voting hereinafter prescribed: *Provided always,* That no person, being a director in the Bank of the United States, or any of its branches, shall be a director of any other bank; and should any such director act as a director in any other bank, it shall forthwith vacate his appointment in the direction of the Bank of the United States. And the directors, so duly appointed and elected, shall be capable of serving, by virtue of such appointment and choice, from the first Monday in the month of January of each year, until the end and expiration of the first Monday in the month of January of the year next ensuing the time of each annual election to be held by the stockholders as aforesaid. And the board of directors, annually, at the first meeting after their election in each and every year, shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period for which the directors are appointed and elected as aforesaid: *Provided also,* That the first appointment and election of the directors and president of the said bank shall be at the time and for the period hereinafter declared: *And provided also,* That in case it should at any time happen that an appointment or election of directors, or an election of the president of the said bank, should not be so made as to take effect

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on any day when, in pursuance of this act, they ought to take effect, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful at any other time to make such appointments, and to hold such elections, (as the case may be,) and the manner of holding the elections shall be regulated by the by-laws and ordinances of the said corporation: and until such appointments or elections be made, the directors and president of the said bank, for the time being, shall continue in office: *And provided also*, That in case of the death, resignation, or removal, of the president of the said corporation, the directors shall proceed to elect another president from the directors as aforesaid: and in case of the death, resignation, or absence from the United States, or removal of a director from office, the vacancy shall be supplied by the President of the United States, or by the stockholders, as the case may be. But the President of the United States alone shall have power to remove any of the directors appointed by him as aforesaid.

Sec. 9. *And be it further enacted*, That as soon as the sum of eight millions four hundred thousand dollars in gold and silver coin, and in the public debt, shall have been actually received on account of the subscriptions to the capital of the said bank (exclusively of the subscription aforesaid, on the part of the United States) notice thereof shall be given by the persons under whose superintendence the subscriptions shall have been made at the city of Philadelphia, in at least two newspapers printed in each of the places (if so many be printed in such places respectively) where subscriptions shall have been made, and the said persons shall, at the same time, and in like manner, notify a time and place within the said city of Philadelphia, at the distance of at least thirty days from the time of such notification, for proceeding to the election of twenty directors as aforesaid, and it shall be lawful for such election to be then and there made. And the President of the United States is hereby authorized, during the present session of Congress, to nominate, and, by and with the advice and consent of the Senate, to appoint, five directors of the said bank, though not stockholders, anything in the provisions of this act to the contrary notwithstanding; and the persons who shall be elected and appointed as aforesaid, shall be the first directors of the said bank, and shall proceed to elect one of the directors to be president of the said bank; and the directors and president of the said bank, so appointed and elected as aforesaid, shall be capable of serving in their respective office, by virtue thereof, until the end and expiration of the first Monday of the month of January next ensuing the said appointments and elections, and they shall then and thenceforth commence, and continue the operations of the said bank, at the city of Philadelphia.

Sec. 10. *And be it further enacted*, That the directors, for the time being, shall have power to appoint such officers, clerks, and servants, under them, as shall be necessary for executing the business of the said corporation, and to allow them

such compensation for their services, respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering of the officers of the said corporation as shall be prescribed, fixed, and determined, by the laws, regulations, and ordinances, of the same.

Sec. 11. *And be it further enacted*, That the following rules, restrictions, limitations, and provisions, shall form and be fundamental articles of the constitution of the said corporation, to wit:

1. The number of votes to which the stockholders shall be entitled, in voting for directors, shall be according to the number of shares he, she, or they, respectively, shall hold, in the proportions following, that is to say, for one share and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership, or body politic, shall be entitled to a greater number than thirty votes; and after the first election, no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of election. And stockholders actually resident within the United States, and none other, may vote in elections by proxy.

2. Not more than three-fourths of the directors elected by the stockholders, and not more than four-fifths of the directors appointed by the President of the United States, who shall be in office at the time of an annual election, shall be elected or appointed for the next succeeding year; and no director shall hold his office more than three years out of four in succession; but the director who shall be the president at the time of an election may always be reappointed or re-elected, as the case may be.

3. None but a stockholder, resident citizen of the United States, shall be a director; nor shall a director be entitled to any emolument; but the directors may make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

4. Not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence; in which case his place may be supplied by any other director whom he, by writing, under his hand, shall depute for that purpose. And the director so deputed may do and transact all the necessary business, belonging to the office of the president of the said corporation, during the continuance of the sickness or necessary absence of the president.

5. A number of stockholders, not less than sixty, who, together, shall be proprietors of one thousand shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution,

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giving at least ten weeks' notice in two public newspapers of the place where the bank is seated, and specifying in such notice the object or objects of such meeting.

6. Each cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with a condition for his good behaviour, and the faithful performance of his duties to the corporation.

7. The lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales, upon judgments which shall have been obtained for such debts.

8. The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the debt or debts due for money deposited in the bank, shall not exceed the sum of thirty-five millions of dollars, unless the contracting of any greater debt shall have been previously authorized by law of the United States. In case of excess, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their or any of their heirs, executors, or administrators, in any court of record of the United States, or either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this provision shall not be construed to exempt the said corporation or the lands, tenements, goods, or chattels of the same from being also liable for, and chargeable with, the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

9. The said corporation shall not, directly or indirectly, deal or trade in anything except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or goods which shall be the proceeds of its lands. It shall not be at liberty to purchase any public debt whatsoever, nor shall it take more than at the rate of six per centum per annum for or upon its loans or discounts.

10. No loan shall be made by the said corpora-

tion, for the use or on account of the Government of the United States, to an amount exceeding five hundred thousand dollars, or of any particular State, to an amount exceeding fifty thousand dollars, or of any foreign Prince or State, unless previously authorized by a law of the United States.

11. The stock of the said corporation shall be assignable and transferrable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

12. The bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her or their executors or administrators, and his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees, and his, her or their executors or administrators, to maintain an action thereupon in his, her or their own name or names: *Provided*, That said corporation shall not make any bill obligatory, or of credit, or other obligation under its seal for the payment of a sum less than five thousand dollars. And the bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner, and with the like effect as foreign bills of exchange now are; and those which are payable to bearer shall be assignable and negotiable by delivery only: *Provided*, That all bills or notes, so to be issued by said corporation, shall be made payable on demand, other than bills or notes for the payment of a sum not less than one hundred dollars each, and payable to the order of some person or persons, which bills or notes it shall be lawful for said corporation to make payable at any time not exceeding sixty days from the date thereof.

13. Half-yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors advisable; and once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of the profits, if any, after deducting losses and dividends. If there shall be a failure in the pay-

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ment of any part of any sum subscribed to the capital of the said bank, by any person, copartnership or body politic, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making such payment, and during the delay of the same.

14. The directors of the said corporation shall establish a competent office of discount and deposit in the District of Columbia, whenever any law of the United States shall require such an establishment; also one such office of discount and deposit in any State in which two thousand shares shall have been subscribed or may be held, whenever, upon application of the Legislature of such State, Congress may, by law, require the same: *Provided*, the directors aforesaid shall not be bound to establish such office before the whole of the capital of the bank shall have been paid up. And it shall be lawful for the directors of the said corporation to establish offices of discount and deposit, wheresoever they shall think fit, within the United States or the Territories thereof, and to commit the management of the said offices, and the business thereof, respectively, to such persons, and under such regulations, as they shall deem proper, not being contrary to law or the constitution of the bank. Or, instead of establishing such offices, it shall be lawful for the directors of the said corporation, from time to time, to employ any other bank or banks, to be first approved by the Secretary of the Treasury, at any place or places that they may deem safe and proper, to manage and transact the business proposed as aforesaid, other than for the purposes of discount, to be managed and transacted by such offices, under such agreements, and subject to such regulations, as they shall deem just and proper. Not more than thirteen, nor less than seven managers or directors, of every office established as aforesaid, shall be annually appointed by the directors of the bank, to serve one year; they shall choose a president from their own number; each of them shall be a citizen of the United States, and a resident of the State, Territory, or district, wherein such office is established; and not more than three-fourths of the said managers or directors, in office at the time of an annual appointment, shall be reappointed for the next succeeding year; and no director shall hold his office more than three years out of four, in succession; but the president may be always reappointed.

15. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation and of the debts due to the same; of the moneys deposited therein; of the notes in circulation, and of the specie in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statement: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

16. No stockholder, unless he be a citizen of the United States, shall vote in the choice of directors.

17. No note shall be issued of less amount than five dollars.

SEC. 12. *And be it further enacted*, That if the said corporation, or any person or persons, for or to the use of the same, shall deal or trade in buying or selling goods, wares, merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons by whom any order or direction for so dealing or trading shall have been given; and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandise, and commodities in which such dealing and trade shall have been, one-half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered in any action of law with costs of suit.

SEC. 13. *And be it further enacted*, That if the said corporation shall advance or lend any sum of money for the use or on account of the Government of the United States, to an amount exceeding five hundred thousand dollars; or of any particular State, to an amount exceeding fifty thousand dollars; or of any foreign Prince or State, (unless previously authorized thereto by a law of the United States,) all and every person and persons, by and with whose order, agreement, consent, approbation, and connivance, such unlawful advance or loan shall have been made, upon conviction thereof shall forfeit and pay, for every such offence, treble the value or amount of the sum or sums which have been so unlawfully advanced or lent; one-fifth thereof to the use of the informer, and the residue thereof to the use of the United States.

SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress.

SEC. 15. *And be it further enacted*, That during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States, or the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference in exchange, and shall also do and perform the several and respective duties of the Commissioners of Loans for the several States, or of any one or more of them, whenever required by law.

SEC. 16. *And be it further enacted*, That the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and

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direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction.

SEC. 17. *And be it further enacted*, That the said corporation shall not at any time suspend or refuse payment in gold and silver, of any of its notes, bills, or obligations; nor of any moneys received upon deposit in said bank, or in any of its offices of discount and deposit. And if the said corporation shall at any time refuse or neglect to pay on demand any bill, note or obligation issued by the corporation, according to the contract, promise, or undertaking therein expressed; or shall neglect or refuse to pay on demand any moneys received in said bank, or in any of its offices aforesaid, on deposit, to the person or persons entitled to receive the same, then, and in every such case, the holder of any such note, bill, or obligation, or the person or persons entitled to demand and receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on the said bills, notes, obligations, or money, until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum from the time of such demand as aforesaid: *Provided*, That Congress may at any time hereafter enact laws enforcing and regulating the recovery of the amount of the notes, bills, obligations, or other debts, of which payment shall have been refused as aforesaid, with the rate of interest abovementioned, vesting jurisdiction for that purpose in any courts, either of law or equity, of the courts of the United States, or Territories thereof, or of the several States, as they may deem expedient.

SEC. 18. *And be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of or purporting to be a bill or note issued by order of the president, directors, and company of the said bank, or any order or check on the said bank or corporation, or any cashier thereof; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the president, directors, and company of the said bank, or any order or check on the said bank or corporation, or any cashier thereof; or shall pass, utter or publish, or attempt to pass utter or publish as true, any false, forged, or counterfeited bill or note, purporting to be a bill or note issued by order of the president, directors, and company of the said bank, or any false, forged, or counterfeited order or check upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note issued by order of the president, directors, and company of the said bank, or any falsely altered order or check on the said bank or corporation, or any cashier thereof, know-

ing the same to be falsely altered with intention to defraud the said corporation or any other body politic or person; or shall sell, utter or deliver, or cause to be sold, uttered or delivered, any forged or counterfeit note or bill in imitation, or purporting to be a bill or note issued by order of the president and directors of the said bank, knowing the same to be false, forged, or counterfeited; every such person shall be deemed and adjudged guilty of felony, and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to labor for not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: *Provided*, That nothing herein contained shall be construed to deprive the courts of the individual States of a jurisdiction under the laws of the several States, over any offence declared punishable by this act.

SEC. 19. *And be it further enacted*, That if any person shall make or engrave, or cause, or procure to be made or engraved, or shall have in his custody or possession, any metallic plate, engraved after the similitude of any plate from which any notes or bills, issued by the said corporation, shall have been printed, with intent to use such plate, or to cause, or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by said corporation; or shall have in his custody or possession, any blank note or notes, bill or bills, engraved and printed after the similitude of any notes or bills issued by said corporation, with intent to use such blanks, or cause, or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by the said corporation; or shall have in his custody or possession, any paper adapted to the making of bank notes or bills, and similar to the paper upon which any notes or bills of the said corporation shall have been issued, with intent to use such paper, or cause, or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by the said corporation, every such person, being thereof convicted, by due course of law, shall be sentenced to be imprisoned, and kept to hard labor, for a term not exceeding five years, or shall be imprisoned for a term not exceeding five years, and fined in a sum not exceeding one thousand dollars.

SEC. 20. *And be it further enacted*, That in consideration of the exclusive privileges and benefits conferred by this act upon the said bank, the president, directors, and company thereof, shall pay to the United States, out of the corporate funds thereof, the sum of one million and five hundred thousand dollars, in three equal payments; that is to say: five hundred thousand dollars at the expiration of two years; five hundred thousand dollars at the expiration of three years; and five hundred thousand dollars at the expiration of four years after the said bank shall be organized, and commence its operations in the manner hereinbefore provided.

SEC. 21. *And be it further enacted*, That no other bank shall be established by any future law of the United States during the continuance of

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the corporation hereby created, for which the faith of the United States is hereby pledged: *Provided*, Congress may renew existing charters for banks in the District of Columbia, not increasing the capital thereof, and may also establish any other bank or banks in said District, with capitals not exceeding, in the whole, six millions of dollars, if they shall deem it expedient. And, notwithstanding the expiration of the term for which the said corporation is created, it shall be lawful to use the corporate name, style, and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed; but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation.

SEC. 22. *And be it further enacted*, That if the subscriptions and payments to said bank shall not be made and completed so as to enable the same to commence its operations, or if the said bank shall not commence its operations on or before the first Monday in April next, then, and in that case, Congress may, at any time, within twelve months thereafter, declare, by law, this act null and void.

SEC. 23. *And be it further enacted*, That it shall, at all times, be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books, and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not; and whenever any committee, as aforesaid, shall find and report, or the President of the United States shall have reason to believe that the charter has been violated, it may be lawful for Congress to direct, or the President to order a *scire facias* to be sued out of the circuit court of the district of Pennsylvania, in the name of the United States, (which shall be executed upon the president of the corporation for the time being, at least fifteen days before the commencement of the term of said court,) calling on the said corporation to show cause wherefore the charter, hereby granted, shall not be declared forfeited; and it shall be lawful for the said court, upon the return of the said *scire facias*, to examine into the truth of the alleged violation, and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled: *Provided, however*, Every issue of fact which may be joined between the United States and the corporation aforesaid, shall be tried by jury. And it shall be lawful for the court aforesaid to require the production of such of the books of the corporation as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court aforesaid, shall be examinable in the Supreme Court of the United States, by writ of error, and may be there reversed or affirmed, according to the usages of law.

Approved, April 10, 1816.

14th CON. 1st SESS.—58

An Act making appropriations for the support of Government, for the year one thousand eight hundred and sixteen.

Be it enacted, &c., That, for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the Mint Establishment; for the expenses of intercourse with foreign nations; for the support of light-houses, beacons, buoys, and public piers; for surveying the coast of the United States; for making the Cumberland road; for ascertaining the titles to lands in Louisiana; for providing certificates of registry and lists of crews; and for satisfying certain miscellaneous claims, the following sums be, and the same are hereby, respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers, and attendants, five hundred and ninety-five thousand two hundred and fifty dollars, and the deduction to be made on account of the absence of members or delegates for any part of the present session, shall be in the proportion which the days of their absence respectively bear to the whole number of the days of the session.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two Houses of Congress, forty-seven thousand dollars.

For the expenses of the Library of Congress, including the librarian's allowance for the year one thousand eight hundred and sixteen, eight hundred dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For rent and repairs of the tenement occupied by the President of the United States since August, one thousand eight hundred and fourteen, three thousand five hundred and fifty dollars.

For compensation to the Secretary of State, five thousand dollars.

For compensation to the clerks employed in the Department of State, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, eleven thousand three hundred and fifty dollars and fifty cents.

For compensation to the messenger in said Department and in the Patent Office, six hundred and sixty dollars.

For the incidental and contingent expenses of the said Department, including the expense of printing and distributing ten thousand four hundred copies of the laws of the first session of the Fourteenth Congress, and printing the laws in newspapers, sixteen thousand nine hundred and thirty dollars.

For compensation to the Secretary of the Treasury, five thousand dollars.

For compensation to the clerks employed in the office of the Secretary of the Treasury, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, ten thou-

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sand four hundred and thirty-three dollars and twenty-eight cents.

For compensation to the messenger and assistant messenger in the office of the Secretary of the Treasury, seven hundred and ten dollars.

For expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand one hundred dollars.

For defraying the expenses of issuing Treasury notes, a sum not exceeding thirty thousand dollars.

For stating and printing the public accounts, for the years one thousand eight hundred and fifteen, and one thousand eight hundred and sixteen, two thousand four hundred dollars.

For compensation to the Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks employed in the office of the Comptroller of the Treasury, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, thirteen thousand three hundred and sixteen dollars and five cents.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to additional clerks to be employed in the office of the Comptroller of the Treasury, two thousand two hundred dollars.

For expense of stationery, printing, and contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, three thousand dollars.

For compensation to the clerks employed in the Auditor's office, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, ten thousand one hundred and thirty-two dollars and sixty-five cents, and the further sum of two thousand five hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to additional clerks to be employed in the office of the Auditor, four thousand dollars.

For expense of stationery, printing, and contingent expenses in the Auditor's office, eight hundred dollars.

For compensation to the Treasurer, three thousand dollars.

For compensation to the clerks employed in the Treasurer's office, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, four thousand two hundred and forty dollars and four cents.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to additional clerks to be employed in the Treasurer's office, one thousand two hundred dollars.

For expenses of stationery, printing, and contingent expenses in the Treasurer's office, eight hundred dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks employed in the office of the Commissioner of the General Land Office, ten thousand two hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For stationery, printing, and contingent expenses in the General Land Office, including vellum for land patents, three thousand seven hundred dollars.

For arrears of compensation due to the chief clerk in the office of the said Commissioner, three hundred and twelve dollars and fifty cents.

For compensation to the Commissioner of the Revenue, three thousand dollars.

For compensation to the clerks employed in the office of the Commissioner of the Revenue, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, nine thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For stationery, printing, and contingent expenses, including the paper, printing and stamping of licenses, in the office of said Commissioner, three thousand two hundred dollars.

For compensation to the Register of the Treasury, two thousand four hundred dollars.

For compensation to the clerks employed in the office of the Register of the Treasury, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, sixteen thousand two hundred and twenty-eight dollars and thirty-two cents.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to additional clerks to be employed in the office of the Register of the Treasury, eight hundred dollars.

For expense of stationery, including books for the public stocks, printing the public accounts, and other contingent expenses of the Register's office, two thousand eight hundred and ninety dollars.

For fuel and other contingent expenses of the Treasury Department, including rent of the buildings now occupied by the department, expense of removing the records during the late war, transporting the same to the building preparing for them, cost of furniture for the offices, cases for the fire proof, and compensation to a superintendent and two watchmen employed for the security of the Treasury buildings, fifteen thousand dollars.

For the purchase of books, maps, and charts, for the Treasury Department, one thousand dollars.

For compensation to the Secretary to the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For cost of vellum for patents for military bounty lands, printing them, and record books and wheels for military bounty lottery, in the office of the Commissioner of the General Land Office, seventeen thousand three hundred dollars.

For compensation to two clerks to be em-

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ployed in the said office, to write and record the patents, seventeen hundred dollars.

For compensation to the Secretary of War, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the Secretary of War, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, fifteen thousand two hundred and thirty dollars.

For compensation to the messenger and his assistants in said office, seven hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of War, three thousand dollars.

For compensation to the Accountant of the War Department, two thousand dollars.

For compensation to the clerks employed in the office of the Accountant of the War Department, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, fourteen thousand seven hundred and seventy-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation for additional clerks, to be employed in the office of the Accountant of the War Department, six thousand five hundred dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, two thousand dollars.

For compensation to the Paymaster of the Army, two thousand dollars.

For compensation to the clerks employed in the Paymaster's office, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, thirteen thousand three hundred dollars.

For additional compensation of fifteen per cent. to the clerks employed in said office, on the sum hereinbefore appropriated, one thousand nine hundred and ninety-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Paymaster, two thousand dollars.

For compensation to the Superintendent General of Military Supplies, three thousand dollars.

For compensation to the clerks employed in the office of the Superintendent General of Military Supplies, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, seven thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expenses of fuel, stationery, printing, and other contingent expenses in the office of the Superintendent General of Military Supplies, six hundred dollars.

For compensation to the Commissary General of Purchases, three thousand dollars.

For compensation to the clerks employed in the office of the said Commissary, being the sum appropriated for the service of the year one thou-

sand eight hundred and fifteen, two thousand eight hundred dollars.

For contingent expenses in the said office of Commissary General of Purchases, nine hundred and thirty dollars.

For compensation to the clerks in the Adjutant and Inspector General's office, one thousand eight hundred dollars.

For compensation to the Secretary of the Navy, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the Secretary of the Navy, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, seven thousand two hundred and thirty-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, two thousand five hundred dollars.

For compensation to the Accountant of the Navy, two thousand dollars.

For compensation to the clerks employed in the office of the Accountant of the Navy, being the sum appropriated for the service of the year one thousand eight hundred and fifteen, twelve thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to additional clerks to be employed in the office of said Accountant, two thousand five hundred dollars.

For contingent expenses of the office of said Accountant, one thousand two hundred and fifty dollars.

For compensation of the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Navy Board, two thousand dollars.

For compensation of the clerks employed in the office of the Navy Board, including the sum of two hundred and fifty dollars for the service of the preceding year, two thousand five hundred dollars.

For compensation of the messenger, including the sum of three hundred and seven dollars and fifty cents for the service of the preceding year, seven hundred and seventeen dollars fifty cents.

For the contingent expenses of the Navy Board, including the sum of one thousand five hundred dollars for the service of the preceding year, four thousand dollars.

For compensation to the Postmaster General, three thousand dollars.

For compensation to the Assistant Postmaster General, one thousand seven hundred dollars.

For compensation to the Second Assistant Postmaster General, one thousand six hundred dollars.

For compensation to the clerks employed in the General Post Office, being the amount appropriated for the service of the year one thousand eight hundred and fifteen, fifteen thousand one hundred dollars.

For compensation to additional clerks, four thousand two hundred and five dollars.

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For deficiency in appropriation for clerk hire for the year one thousand eight hundred and fifteen, nine hundred and thirty-five dollars.

For compensation to the messenger and assistant messenger, six hundred and sixty dollars.

For contingent expenses of the General Post Office, three thousand six hundred dollars.

For compensation to the several Commissioners of Loans, and for allowance to certain Commissioners of Loans in lieu of clerk hire, fourteen thousand five hundred and fifty dollars.

For compensation to the clerks of sundry Commissioners of Loans, and to defray the authorized expenses of the several loan officers, thirteen thousand seven hundred dollars.

For compensation to the Surveyor General and his clerks, four thousand one hundred dollars.

For compensation to the Surveyor of lands south of Tennessee, and his clerks, and for the contingent expenses of his office, three thousand two hundred dollars.

For compensation to the officers and clerks of the Mint, nine thousand six hundred dollars.

For wages to persons employed in the different operations of the Mint, including the sum of six hundred dollars allowed to an assistant engraver, five thousand dollars.

For repairs of furnaces, cost of iron and machinery, rents, and other contingent expenses of the Mint, two thousand four hundred and eighty dollars.

For allowance for wastage in the gold and silver coinage, one thousand five hundred dollars.

For the purchase of copper to coin into cents, fifteen thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Indiana Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Mississippi Territory, nine thousand dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Missouri Territory, seven thousand eight hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Illinois Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For defraying the expenses incurred by print-

ing the laws of said Territory, one thousand one hundred and seventy-six dollars and twenty-five cents.

For the discharge of such demands against the United States on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement, at the Treasury, two thousand dollars.

For compensation granted by law to the Chief Justice, the Associate Judges, and District Judges of the United States, including the Chief Justice and Associate Judges of the District of Columbia, sixty thousand dollars.

For compensation to the Attorney General of the United States, three thousand dollars.

For the compensation of sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, seven thousand eight hundred and fifty dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safekeeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late Government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, one hundred and twenty thousand dollars.

For making the road from Cumberland, in the State of Maryland, to the State of Ohio, three hundred thousand dollars, to be repaid out of the fund reserved for laying out and making roads to the State of Ohio, by virtue of the seventh section of an act, passed on the thirtieth of April, one thousand eight hundred and two, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes."

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakes of channels, bars, and shoals, including the purchase and transportation of oil, keepers' salaries, repairs and improvements, and contingent expenses, ninety-seven thousand four hundred and sixty-four dollars.

To replace the amount heretofore appropriated for defraying the expense of surveying the coasts of the United States, which was carried to the surplus fund on the thirty-first of December, one thousand eight hundred and fourteen, twenty-nine thousand seven hundred and twenty dollars and fifty-seven cents.

For defraying the expense of ascertaining and adjusting land titles in Louisiana, five thousand dollars.

For defraying the expense of surveying the public lands within the several Territories of the United States, including the expense of surveys

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of private claims in Louisiana; for ascertaining the boundaries of the State of Ohio; of surveying the township lines in the Creek purchase, and of the salaries of two principal deputies in the State of Louisiana, one hundred and sixty-three thousand four hundred dollars.

For defraying the expense of printing certificates of registry and other documents for vessels, five thousand seven hundred and fifty dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, four thousand dollars.

For the salaries, allowances, and contingent expenses of Ministers to foreign nations, and of secretaries of legation, one hundred and fourteen thousand dollars.

For the contingent expenses of intercourse between the United States and foreign nations, fifty thousand dollars.

For the expenses necessary during the present year for carrying into effect the fourth, sixth, and seventh articles of the Treaty of Peace concluded with His Britannic Majesty at Ghent, on the twenty-fourth December, one thousand eight hundred and fourteen, including the compensation of the Commissioners appointed under those articles, twenty-three thousand three hundred and thirty-two dollars.

For the salaries of the agents of claims on account of captures at London, Paris, and Copenhagen, at two thousand dollars each, six thousand dollars.

For replacing the sum of twenty-five thousand dollars, heretofore appropriated and carried to the surplus fund in the year one thousand eight hundred and fifteen, for objects in relation to the intercourse with the Barbary States, twenty-five thousand dollars.

For making good a deficiency in the appropriation of last year for the intercourse with foreign nations, arising from the difference in the exchange in transmitting the money to Europe, and in the drafts of Ministers and agents there upon bankers, and to meet similar expenses the present year, fifty thousand dollars.

To replace the sum of two thousand dollars, being part of an appropriation of five thousand dollars, appropriated by an act of the third of March, one thousand eight hundred and eleven, to discharge claims on account of depredations committed by the Osage Indians, and since carried to the surplus fund, two thousand dollars.

For the expenses of intercourse with the Barbary Powers, forty-seven thousand dollars.

For the relief of distressed American seamen for the present year, and to make good a deficiency in the preceding year, fifty thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act making provision for the debt of the United States, and out of any moneys in the Treasury not otherwise appropriated.

Approved, April 16, 1816.

An Act providing for the settlement of certain accounts against the Library of Congress, for extending the privileges of using the books therein, and for establishing the salary of the Librarian.

Be it enacted, &c., That the accounting officers of the Treasury be, and they are hereby, authorized and required to investigate and settle the accounts against the Library of Congress, exhibited by George Waterston, Daniel Rapine, and William Elliott; and the amount thereof, which shall be deemed equitable, shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That there shall be allowed to the Librarian, for attending said Library, an annual salary of one thousand dollars, payable quarterly, at the Treasury of the United States, to commence and take effect from and after the twenty-first day of March, one thousand eight hundred and fifteen.

SEC. 3. *And be it further enacted*, That the privilege of using the books in the Library shall be extended to the Attorney General of the United States and the members of the diplomatic corps, on the same terms and conditions as it is enjoyed by the Judges of the Supreme Court.

Approved, April 16, 1816.

An Act supplementary to an act, entitled "An act to incorporate a company for making certain turnpike roads within the District of Columbia."

Be it enacted, &c., That the company for making certain turnpike roads in the District of Columbia, established by an act of Congress passed on the twentieth day of April, one thousand eight hundred and ten, be authorized and empowered to open and make a turnpike road, at their own risk and expense, from the Eastern Branch bridge, to meet a road to be opened and made under the authority of the State of Maryland, from Edward H. Calvert's mill, in Prince George's county, to the line of the District of Columbia.

SEC. 2. *And be it further enacted*, That the said company may demand and receive the same tolls as are allowed for a like distance by the act to which this is a supplement, and shall possess and enjoy the same rights and privileges, and be subject to the same limitations, pains, and penalties, as are prescribed, enjoined, and directed by the aforesaid act, and an act in addition thereto, passed on the twenty-fifth day of April, one thousand eight hundred and ten.

Approved, April 16, 1816.

An Act confirming to the Navigation Company of New Orleans the use and possession of a lot in the said city.

Be it enacted, &c., That all the right and claim of the United States to the title, possession, and occupancy of a lot of ground of three hundred feet front on Rampart street, in the city of New Orleans, by six hundred feet in depth, on a line with St. Peter street, on which was erected the former hospital of charity in the said city be, and the same is hereby, vested in the Navigation Com-

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pany of New Orleans: *Provided*, That nothing in this act contained shall affect the claim or claims of any individual or individuals, if any such there be.

Approved, April 16, 1816.

An Act further extending the time for issuing and locating military land warrants, and for other purposes.

Be it enacted, &c., That the Secretary of War be authorized to issue military land warrants to such persons as have or shall, before the first day of March, one thousand eight hundred and eighteen, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued, and not yet satisfied, shall and may be located in the name of the holders or proprietors thereof, prior to the first day of October, one thousand eight hundred and eighteen, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, reserved by law for original holders of military land warrants. And patents shall be granted for the land located under this act, in the same manner as is directed by former acts for granting military lands.

SEC. 2. *And be it further enacted*, That, at the expiration of the term limited by this act, for the location of the military land warrants aforesaid, it shall be the duty of the Commissioner of the General Land Office to transmit to the Surveyor General a list of all the lots of land within the fifty quarter townships and fractional quarter townships, which shall at that time remain unlocated; and the Surveyor General shall prepare and transmit to the registers of the land office at Chillicothe and Zanesville, respectively, general plats of the aforesaid unlocated lots, which lots shall, after the first day of March, one thousand eight hundred and nineteen, be offered for sale at the land offices in the districts in which they are situated, in the same manner, on the same terms and conditions, in every respect, as other public lands are offered at private sale, in the same districts.

Approved, April 16, 1816.

An Act to increase the pension of William Munday.

Be it enacted, &c., That there be, and hereby is, granted to William Munday, of the city of Baltimore, who lost both his arms in an attack on the enemy at St. Leonard's creek, on the twenty-eighth day of June, in the year one thousand eight hundred and fourteen, in lieu of the pension to which he is now entitled by law, a pension of twenty dollars per month, to be paid out of the navy pension fund.

Approved, April 16, 1816.

An Act authorizing the sale of a lot of ground, belonging to the United States, situated in the town of Knoxville and State of Tennessee.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be sold, at public sale, a lot of ground belonging to the United States, situated in the

town of Knoxville and State of Tennessee, ten days' notice being first given in the Knoxville Gazette, of the time and place of sale.

SEC. 2. *And be it further enacted*, That, on the receipt of the money arising from said sale, the President of the United States is hereby authorized to make or cause to be made a title or titles to the purchaser or purchasers of said lot.

Approved, April 16, 1816.

An Act for the relief of certain claimants to land in the district of Vincennes.

Be it enacted, &c., That the several persons whose claims were confirmed by the act of Congress, entitled "An act confirming certain claims to land in the district of Vincennes, and for other purposes," approved the third day of March, one thousand eight hundred and seven; and the act, entitled "An act confirming certain claims to land in the district of Vincennes," approved the thirteenth day of February, one thousand eight hundred and thirteen, which having been located cannot be surveyed agreeably to law, or which having been located have, in the opinion of the register of the land office, for the said district, been removed by the surveys of prior locations, from the spot intended to be occupied, are hereby authorized to enter their locations with the register of the land office at Vincennes, on any part of the tract set apart for that purpose in the said district, by virtue of the act, entitled "An act respecting claims to lands in the Indiana Territory and State of Ohio," and in conformity to the provisions of this act.

Approved, April 16, 1816.

An Act to authorize the President of the United States to alter the road laid out from the foot of the rapids of the river Miami of Lake Erie to the western line of the Connecticut reserve.

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to cause to be made, in such manner as he may deem most proper, an alteration in the road laid out under authority of an act, entitled "An act to authorize the surveying and making of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the Territory of Michigan," so that the said road may pass through the United States' reservation at Lower Sandusky, or north thereof, not exceeding three miles.

SEC. 2. *And be it further enacted*, That the necessary expenses which shall be incurred in altering the said road shall be paid out of the moneys appropriated for the surveying of the public lands of the United States.

Approved, April 16, 1816.

An Act to authorize the Legislature of the State of Ohio to sell a certain tract of land, reserved for the use of that State.

Be it enacted, &c., That the Legislature of the State of Ohio shall be, and they are hereby, authorized and empowered to cause to be selected

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and sold, in such manner and on such terms and conditions as they may by law direct, any one section not exceeding the quantity of six hundred and forty acres of the tract of land of six miles square, reserved for the benefit of that State, at the Scioto salt springs: *Provided*, That the section so selected shall not include the said salt springs, and that the money arising from the sale of the aforesaid section shall be applied to the erection of a court-house, or other public buildings, thereon, for the use of the county of Jackson, in said State; and whenever the selection and sale of the said section of land shall have been made, and the same shall be duly certified to the Commissioner of the General Land Office, a patent shall be granted by the President of the United States, for the said section, in trust to such person or persons as the Legislature of the State shall have appointed and authorized to sell and execute titles to the purchasers of the land aforesaid.

Approved, April 16, 1816.

An Act making further provision for military services during the late war, and for other purposes.

Be it enacted, &c., That when any officer or private soldier of the militia, including rangers, sea fencibles, and volunteers, or any non-commissioned officer, musician, or private, enlisted for either of the terms of one year or eighteen months, or any commissioned officer of the regular army, shall have died while in the service of the United States during the late war, or in returning to his place of residence, after being mustered out of service, or who shall have died at any time thereafter, in consequence of wounds received whilst in the service, and shall have left a widow, or, if no widow, a child or children, under sixteen years of age. such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; and in case of death or intermarriage of such widow, before the expiration of said five years, the half pay for the remainder of the time shall go to the child or children of said decedent. *Provided always*, That the Secretary of War shall adopt such forms of evidence, in applications under this act, as the President of the United States may prescribe. *Provided also*, That the officers and private soldiers of the militia, as aforesaid, who have been disabled by wounds or otherwise, while in the service of the United States in the discharge of their duty during the late war, shall be placed on the list of pensioners, in the same manner as the officers of the regular army, under such forms of evidence as the President of the United States may prescribe. *Provided also*, That the provisions of this act shall not extend to any person embraced in the provision of an act, entitled "An act to provide for the widows and orphans of the militia slain, and for militia disabled in the service of the United States," passed

the second day of August, one thousand eight hundred and thirteen.

SEC. 2. And be it further enacted, That when any non-commissioned officer, musician, or private soldier of the regular army of the United States shall have been killed in battle, or have died of wounds or disease, while in the service of the United States, during the late war, and have left a child or children under sixteen years of age, it shall be lawful for the guardian of such child or children, within one year from the passing of this act, to relinquish the bounty land to which such non-commissioned officer, musician, or private soldier, had he survived the war, would have been entitled; and, in lieu thereof, to receive half the monthly pay to which such deceased person was entitled at the time of his death, for and during the term of five years, to be computed from and after the seventeenth day of February, one thousand eight hundred and fifteen, the payment thereof to be made when and where other military pensions are or shall be paid; and where a warrant for the military bounty land aforesaid shall have been issued to or for the use of the child or children of any such deceased non-commissioned officer, musician, or private soldier, such child or children, or either of them, being under sixteen years of age, it shall be lawful for the guardian of such minor or minors to surrender and deliver such warrant, into the office for the Department of War, within one year from the passing of this act; of which surrender and delivery the Secretary of that Department shall give notice to the Secretary of the Treasury, who shall thereupon give the requisite orders for the payment of the half pay hereby provided for.

SEC. 3. And be it further enacted, That all soldiers who have been enlisted to serve for five years, or during the war, and were above the age of forty-five, or under the age of eighteen years, who have faithfully served during the late war, and have been regularly discharged, and the representatives of such soldiers as shall have died whilst in the service of the United States, and all soldiers who have been enlisted, and have faithfully served during the late war, until they have been promoted to the rank of commissioned officers, who, if they had served during the war under their enlistment, and been regularly discharged, would have been entitled to a bounty in land, shall be entitled to one hundred and sixty or three hundred and twenty acres of land, according to the term of enlistment; the warrants and patents to issue in the same manner as in the case of soldiers enlisted of proper age, and discharged under similar circumstances.

SEC. 4 And be it further enacted, That, for the purpose of carrying the provisions of this act into effect, and other acts giving bounty lands to soldiers of the regular army, the President of the United States is hereby authorized to cause to be surveyed and laid off, in one or more surveys, two millions of acres, not otherwise appropriated, in addition to the appropriations of lands by the act of May the sixth, one thousand eight hundred and twelve, for designating, surveying, and grant-

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ing military bounty lands according to the provisions of said act.

SEC. 5. *And be it further enacted*, That no transfer of land, granted in virtue of this or any other law, giving bounties of land to the non-commissioned officers, musicians, and privates, enlisted during the late war, shall be valid, unless the contract or agreement therefor, or letter of attorney, giving power to sell or convey, shall have been executed after the patents shall be issued and delivered to the persons entitled thereto.

Approved, April 16, 1816.

An Act in addition to the act, entitled "An act in relation to the Navy Pension Fund."

Be it enacted, &c., That in all cases of prizes captured by the public armed ships of the United States, which shall be sold under the order of the proper prize court, by interlocutory or final decree, it shall be the duty of the marshal of the United States, making the sale, to pay the proceeds thereof into the registry of the proper court, within thirty days after such sale shall be made and closed; and, immediately upon the payment into the registry of the proceeds as aforesaid, it shall be the duty of the clerk of the court to deposit the same in some bank, to be designated by the judge or judges of the court, subject to the order and distribution of the court as in other cases; and when the said prizes shall have been duly condemned, it shall be the duty of the court to direct the share of such prizes belonging to the United States to be forthwith carried in the account with such bank, to the credit of the Treasurer of the United States, on account of the navy pension fund; and copies of the certificate of such deposit and credit shall be thereupon transmitted to the Treasurer of the United States and to the Secretary of the Navy, as soon as may be, by the clerk of such court; and the share of such prizes belonging to the captors, deposited as aforesaid, shall be paid over to the parties entitled, or to their authorized agent or agents, upon the order of the proper court in term, or of the judge or judges of such court in vacation.

SEC. 2. *And be it further enacted*, That it shall be the duty of the marshals of the several districts of the United States, and of the clerks of the respective courts of the United States, to state and settle their respective accounts in all cases of prizes captured as aforesaid, specifying therein all costs and charges taxed, claimed, and paid by them, and to submit the same to the proper court, having cognizance thereof, for examination and allowance, within sixty days after a final adjudication of such causes, unless a different time shall be assigned by such court; and thereupon such courts in term, or any judge thereof in vacation, may proceed summarily to hear, examine, and allow the same accounts; and, after such allowance, one copy of the same accounts shall be filed among the records of the court, and another copy shall be transmitted by the clerk of the court to the Secretary of the Navy, within thirty days after the allowance thereof.

SEC. 3. *And be it further enacted*, That it shall be the duty of the district attorneys of the respective districts of the United States to transmit to the Secretary of the Navy a statement of all prizes captured as aforesaid, which shall be labelled, condemned, or restored, at each term of the district and circuit courts, within their respective districts, as soon as may be after the conclusion of each term, and to accompany such list with a schedule and invoice of the various articles composing the cargoes of such prizes.

SEC. 4. *And be it further enacted*, That the respective courts of the United States, before whom a libel against any prizes captured as aforesaid shall be pending, or by whom a decree of condemnation and distribution of such prizes shall have been awarded, shall have full power and authority, in the exercise of their admiralty and maritime jurisdiction, to issue a monition, and other proper process, to compel the marshal and clerk to perform and obey the requisitions of this act; and upon the complaint of the United States, or any person interested in the premises, summarily to hear and examine the same, and to make such award, order, and decree therein, as to justice and law shall appertain. And if the marshal or clerk shall wilfully refuse, or unreasonably neglect, to perform and obey any of the requisitions of this act, the party so refusing or neglecting shall further forfeit and pay to the United States the sum of five hundred dollars for every such refusal or neglect.

SEC. 5. *And be it further enacted*, That there shall be allowed to the Accountant of the Navy Department, for his extra services in collecting, stating, and settling the accounts of prize money belonging to the navy pension fund, the annual sum of three hundred dollars, to be paid quarterly out of the navy pension fund.

SEC. 6. *And be it further enacted*, That whenever sales of prizes captured as aforesaid have been made before the passing of this act, and the proceeds thereof have not been paid into the registry of the proper court, or finally distributed under its order, it shall be the duty of the marshal who made the sale, within six calendar months from the passing of this act, or such shorter reasonable time as may be assigned by the court, or the judge or judges thereof, to pay into the registry of the court the proceeds of such sale, with a written account of the costs and charges attending the same, and to submit the same account for examination and allowance to the court, or the judge or judges thereof; and, in like manner, it shall be the duty of the respective clerks of the district courts, within six calendar months from the passing of this act, or such shorter reasonable time as may be assigned by the proper court, or the judge or judges thereof, to present to such court, or the judge or judges thereof, for examination and allowance, a particular account of their fees and charges, in all cases of prizes captured as aforesaid, where such account has not been already presented and allowed; and after such account shall be examined and allowed, it shall be filed among the records of the court,

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and a copy thereof, duly attested, shall be transmitted by the clerk of the court to the Secretary of the Navy; and if any marshal or clerk shall neglect or refuse to perform the duties herein required, he may be proceeded against in the proper court, in the manner provided in the fourth section of this act.

SEC. 7. *And be it further enacted,* That in cases where the allowance of the half monthly pay, which may now be granted by law to officers, seamen, and marines, disabled in the service of the United States, shall, in the opinion of the commissioners of the navy pension fund, from the nature and extent of the disability, and the situation of the party disabled, be inadequate to his necessary subsistence, the said commissioners shall be, and hereby are, authorized, in their discretion, to increase such allowance to any sum not exceeding the full amount of the monthly pay to which the party so disabled was by law entitled in the said service.

Approved, April 16, 1816.

An Act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

Be it enacted, &c., That the inhabitants of the Territory of Indiana be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States, in all respects whatever.

SEC. 2. *And be it further enacted,* That the said State shall consist of all the territory included within the following boundaries, to wit: bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south by the river Ohio, from the mouth of the Great Miami river to the mouth of the river Wabash; on the west by a line drawn along the middle of the Wabash from its mouth, to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of the said river; and from thence, by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north by the said east and west line, until the same shall intersect the first mentioned meridian line which forms the western boundary of the State of Ohio: *Provided,* That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid, otherwise they shall be and remain as now prescribed by the ordinance for the government of the territory northwest of the river Ohio: *Provided, also,* That the said State shall have concurrent jurisdiction on the river Wabash, with the State to be formed west thereof, so far as the said river shall form a common boundary to both.

SEC. 3. *And be it further enacted,* That all male citizens of the United States, who shall have

arrived at the age of twenty-one years, and resided within the said Territory at least one year previous to the day of the election, and shall have paid a county or territorial tax; and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of the said Territory, be, and they are hereby, authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties within the said Territory, according to the apportionment made by the Legislature thereof at their last session, to wit: from the county of Wayne, four representatives; from the county of Franklin, five representatives; from the county of Dearborn, three representatives; from the county of Switzerland, one representative; from the county of Jefferson, three representatives; from the county of Clark, five representatives; from the county of Harrison, five representatives; from the county of Washington, five representatives; from the county of Knox, five representatives; from the county of Gibson, four representatives; from the county of Posey, one representative; from the county of Warrick, one representative; and from the county of Perry, one representative. And the election for the representatives aforesaid shall be holden on the second Monday of May, one thousand eight hundred and sixteen, throughout the several counties in the said Territory, and shall be conducted in the same manner, and under the same penalties, as prescribed by the laws of said Territory, regulating elections therein for members of the House of Representatives.

SEC. 4. *And be it further enacted,* That the members of the convention thus duly elected be, and they are hereby, authorized to meet at the seat of the government of the said Territory, on the second Monday of June next; which convention, when met, shall first determine, by a majority of the whole number elected, whether it be or be not expedient, at that time, to form a constitution and State government for the people within the said Territory; and, if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and State government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place as shall be prescribed by the said ordinance, and shall then form, for the people of said Territory, a constitution and State government: *Provided,* That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original States and the people and States of the Territory northwest of the river Ohio; excepting so much of said articles as relate to the boundaries of the States therein to be formed.

SEC. 5. *And be it further enacted,* That, until the next general census shall be taken, the said

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State shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6. And be it further enacted, That the following propositions be, and the same are hereby, offered to the convention of the said Territory of Indiana, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States.

First. That the section numbered sixteen in every township, and, when such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.

Second. That all salt springs within the said Territory, and the lands reserved for the use of the same, together with such other lands as may, by the President of the United States, be deemed necessary and proper for working the said salt spring; not exceeding, in the whole, the quantity contained in thirty-six entire sections shall be granted to the said State, for the use of the people of the said State, the same to be used under such terms, conditions, and regulations, as the Legislature of the said State shall direct; provided the said Legislature shall never sell nor lease the same for a longer period than ten years at any one time.

Third. That five per cent. of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

Fourth. That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of the said State, to be appropriated solely to the use of such seminary by the said Legislature.

Fifth. That four sections of land be, and the same are hereby, granted to the said State, for the purpose of fixing their seat of government thereon; which four sections shall, under the direction of the Legislature of said State, be located, at any time, in such township and range as the Legislature aforesaid may select, on such lands as may hereafter be acquired by the United States from the Indian tribes within the said Territory: *Provided*, That such locations shall be made prior to the public sales of the lands of the United States surrounding such location: *And provided always*, That the five foregoing propositions herein offered, are on the condition that the convention of the said State shall provide, by an ordinance irrevocable, without the consent of the United States, that every and each tract of land

sold by the United States, from and after the first day of December next, shall be and remain exempt from any tax laid by order, or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years, from and after the day of sale.

Approved, April 19, 1816.

An Act to abolish the existing duties on spirits distilled within the United States, and to lay other duties, in lieu of those at present imposed, on licenses to distillers of spirituous liquors.

Be it enacted, &c., That, from and after the thirtieth day of June next, the act entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on spirits distilled within the United States and Territories thereof, and by amending the act laying duties on licenses to distillers of spirituous liquors, passed the twenty-first day of December, one thousand eight hundred and fourteen, shall cease and determine, excepting in so much as the same is applicable to the duty payable for licenses for stills or boilers granted previously to the first day of July next: *Provided*, That the provisions of the aforesaid act shall remain in full force and virtue, so far as the same may relate to the rendering of accounts of spirits distilled previous to the first day of July next, and to the collection and recovery of all duties laid by the said act, that may have accrued previous thereto, and which shall then remain outstanding, and for the recovery, distribution, and remission of fines, penalties, and forfeitures, which may be incurred in relation to the said duties.

SEC. 2. And be it further enacted, That every person who, after the thirtieth day of June next, shall be the owner of any still or stills, or other implements in lieu of stills, used for the purpose of distilling spirituous liquors, or who shall have such still or stills, or implements as aforesaid under his superintendence, either as agent for the owner or on his own account, and for which a license extending beyond said day shall not have been previously obtained, and every person who, having such license, shall, after its expiration, use or intend to use any still or stills, or implements as aforesaid, either as owner, agent, or otherwise, shall, before he shall so begin to use such still or stills, or other implements in lieu thereof, for the purpose of distilling spirituous liquors, apply for and obtain from the collector appointed by virtue of the act, entitled "An act for the assessment and collection of direct taxes and internal duties," for the collection district in which such person resides, (or to the deputy of such collector duly authorized,) a license for using the said still or stills, or other implements as aforesaid; which licenses respectively shall be granted at the option of the proprietor or possessor of such still or stills, for any or either of the terms mentioned in this act, upon the payment in money, by such proprietor or possessor, of the duties payable on the said license

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or licenses, according to the provisions of this act, if the said duty upon such still or stills, or other implements, when added together, if there be more than one still or other implement for distilling spirits, shall not exceed twenty dollars; and if they shall exceed twenty dollars, on such proprietor or possessor executing and delivering to the collector, or to his deputy as aforesaid, a bond with two or more sureties, to the satisfaction of such collector or deputy, conditioned for the payment of said duties at the end of twelve months after the expiration of the term for which such license or licenses respectively shall have been granted. And the said bond shall be taken in the name of the United States of America, and in such form as shall be prescribed by the Treasury Department. And if any person shall, after the said thirtieth day of June next, use or cause to be used any still or stills, or other implements as aforesaid, in distilling spirituous liquors; or shall be the owner of, or have under his superintendence, either as agent or otherwise, any still or stills, or other implements as aforesaid, which shall after the said day have been used as aforesaid, without having a license therefor as aforesaid, continuing in force for the whole time during which the said still or stills, or implements as aforesaid shall have been thus used, or who shall keep, during any period for which a license has been granted to such person, any still or boiler, or other implement liable to duty in their fixtures, in a situation for use, without having first obtained a license for the same, agreeably to the provisions of this act, every such person shall forfeit and pay the sum of one hundred dollars, together with double the amount of duties which would have been payable for the term during which such still or stills, or implements as aforesaid, shall be thus used, or kept in a situation for use as aforesaid, had the said still or stills, or implements aforesaid, been entered according to the provisions of this act; to be recovered with costs of suit.

SEC. 3. *And be it further enacted*, That if any person shall keep in or about his distillery any beer or other liquor, prepared from grain, for the purpose of distillation, for more than eight days, during any time for which such person shall not have obtained a license for distillation, he shall forfeit and pay the sum of one hundred dollars for every such offence.

SEC. 4. *And be it further enacted*, That the licenses aforesaid shall and may be granted for and during the following terms or periods, and on the securing of payment, as aforesaid, of the duties undermentioned, namely:

For a still or stills employed in distilling spirits from domestic materials, for a license for the employment thereof, for and during the term of one week, four and a half cents for each gallon of the capacity of every such still, including the head thereof; for a license for and during the term of two weeks, nine cents for each gallon of its capacity as aforesaid; for a license for and during the term of one month, eighteen cents for each gallon of its capacity as aforesaid; for a license for and during the term of two months,

thirty-six cents for each gallon of its capacity as aforesaid; for a license for and during the term of three months, fifty-four cents for each gallon of its capacity as aforesaid; for a license for and during the term of four months, seventy-two cents for each gallon of its capacity as aforesaid; for a license for five months, ninety cents for each gallon of its capacity as aforesaid; for a license for and during the term of six months, one hundred and eight cents for each gallon of its capacity as aforesaid; for a license for one year, two hundred and sixteen cents for each gallon of its capacity as aforesaid: *Provided*, That there shall be paid upon each still employed wholly in the distillation of roots, but one-half the rates of duties abovementioned, according to the capacity of such still.

For a still or stills employed in distilling spirits from foreign materials, for a license for the employment thereof for and during the term of one month, twenty-three cents for each gallon of the capacity of every such still, including the head thereof; for a license for and during the term of two months, forty-six cents for each gallon of its capacity as aforesaid; for a license for and during the term of three months, sixty-eight cents for each gallon of its capacity as aforesaid; for a license for and during the term of four months, ninety cents for each gallon of its capacity as aforesaid; for a license for and during the term of six months, one hundred and thirty-five cents for each gallon of its capacity as aforesaid; for a license for and during the term of eight months, one hundred and eighty cents for each gallon of its capacity as aforesaid; for a license for one year, two hundred and seventy cents for each gallon of its capacity as aforesaid.

And for every boiler, however constructed, employed for the purpose of generating steam in those distilleries where wooden or other vessels are used instead of metal stills, and the action of steam is substituted for the immediate application of fire to the materials from which the spirituous liquors are distilled, for a license for the employment thereof, double the amount on each gallon of the capacity of the said boiler, including the head thereof, which would be payable for the said license, if granted for the same term, and for the employment on the same materials of a still or stills to the contents of which, being the materials from whence the spirituous liquors are drawn, an immediate application of fire, during the process of distillation, is made.

SEC. 5. *And be it further enacted*, That it shall be the duty of the collectors, within their respective districts, to grant licenses for distilling, which licenses shall be marked with a mark denoting the rate of duty thereupon, and shall be signed by the commissioner of the revenue, and being countersigned by the collector, who shall issue the same, or cause the same to be issued, shall be granted to any person who shall desire the same, upon application in writing, and upon payment, or securing of payment as aforesaid, of the sum or duty payable by this act, upon each license requested.

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SEC. 6. *And be it further enacted*, That the application, in writing, to be made by any person applying for a license for distilling as aforesaid, shall state the place or places of distilling, the number and contents of the still or stills, boiler or boilers, and whether intended to distil spirituous liquors from foreign or domestic materials. And no person having obtained a license in one collection district shall be required to take out an additional license in another district for the same still within the period of the first license. And every person making a false statement in either of the said particulars, or who shall distil spirituous liquors from materials other than those stated in the application aforesaid, as well as the owner or superintendent of any distillery, still or stills, with respect to which such false statement shall have been made, or which shall be thus unlawfully employed, shall forfeit and pay the sum of one hundred and fifty dollars, to be recovered with costs of suit.

SEC. 7. *And be it further enacted*, That every such collector, or his deputy duly authorized under his hand and seal, shall be authorized to enter, at any time, any distillery, or place where any still, boiler, or other vessel used in distillation are kept or used within his collection district, for the purpose of inspecting, examining, or measuring the same, and the other vessels therein. And every owner of such distillery, stills, or boilers, or other vessels, or person having the care, superintendence, or management of the same, who shall refuse to admit such officer as aforesaid, or to suffer him to inspect, examine, or measure the same, shall, for every such refusal, forfeit and pay the sum of five hundred dollars.

SEC. 8. *And be it further enacted*, That, in cases in which a license for stills or boilers may have been granted for their employment, according to the present rates of duty, for a period extending beyond the thirteenth day of June, one thousand eight hundred and sixteen, the person to whom the same may have been granted or transferred shall, on or before the said day, pay, or secure the payment, in manner aforesaid, of a sum equal to such proportion of the additional duty hereby imposed on licenses for stills and boilers as said period bears to that for which the said license was granted; the payment of which sum shall be endorsed by the collector on said license. And if any still or boiler shall, after the said thirteenth day of June, be employed in distilling spirituous liquors without the additional duty having been previously paid or secured as aforesaid, the owner, agent, or superintendent thereof shall forfeit and pay the sum of one hundred dollars, together with double the amount of the said additional duties.

SEC. 9. *And be it further enacted*, That all the provisions of this act shall be deemed to apply to any still or boiler, or other vessel, used in distillation, which shall be employed in the rectification of spirituous liquors.

SEC. 10. *And be it further enacted*, That any license heretofore or hereafter granted for employing a still, boiler, or other vessel, in distilling

spirits from foreign materials, shall authorize the distilling spirits from domestic materials also.

SEC. 11. *And be it further enacted*, That a deduction at the rate of eight per centum shall be made for the duty payable for a license to distil spirituous liquors, on the payment thereof at the time of obtaining the same, whether the same be payable on a credit or not, according to the provisions of this act.

SEC. 12. *And be it further enacted*, That, in future, it shall be lawful for the distiller or distillers of domestic spirits, and all persons from whose materials such spirits shall be distilled, to sell without a license, by retail, any quantity thereof, not less than one gallon.

SEC. 13. *And be it further enacted*, That the several provisions of "An act making further provision for the collection of internal duties, and for the appointment and compensation of assessors," passed on the second day of August, one thousand eight hundred and thirteen, shall, and are, hereby declared to apply in full force to the duties laid by, and to be collected under, this act, the same as if such duties and this act were recognised therein; which said duties shall be collected by the same collectors, in the same manner, for the same commissions, and under the same directions, as are thereby established in relation to the other internal duties: and all the obligations, duties, and penalties, thereby imposed upon collectors, are hereby imposed upon the collectors of the duties laid by this act.

SEC. 14. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States by bill, plaint, information, or action of debt, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector, shall first discover, if other than a collector, shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture, shall have been incurred, unless the breach of this act, for which such fine, penalty, or forfeiture, may be incurred, cannot be established without the testimony of such collector or other informant, in which case the whole of such fine, penalty, or forfeiture, shall be to the use of the United States.

Approved, April 19, 1816.

An Act for the relief of the Baltimore and Massachusetts Bible Societies.

Be it enacted, &c., That all the duties due and payable to the United States, on a set of stereotype plates, owned by the Baltimore Bible Society, imported from London to Philadelphia, in the year one thousand eight hundred and fifteen, on board the ship *Electra*; and from London to Bal-

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timore in the same year, on board the ship Joseph, be, and the same are hereby, remitted.

Sec. 2. *And be it further enacted*, That the Comptroller of the Treasury be, and he is hereby, authorized to direct a debenture to be issued to the Massachusetts Bible Society, for a drawback of duties upon an invoice of bibles exported from the port of Boston, on board the brigantine Panther, in the year one thousand eight hundred and fifteen: *Provided however*, That the said Society shall produce satisfactory evidence to the said Comptroller, as the law directs, that the invoice aforesaid has been landed in some foreign port or place.

Approved, April 20, 1816.

An Act, further supplementary to the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory.

Be it enacted, &c., That every person or persons claiming public lands in the Mississippi Territory, under the act or pretended act of the State of Georgia, passed January the seventh, one thousand seven hundred and ninety-five, who have not duly released their claims to the United States, so as to entitle them to the indemnification provided by the act of Congress, passed the thirty-first day of March, one thousand eight hundred and fourteen, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," and the acts supplementary thereto, shall be allowed further time to execute and file with the commissioners appointed to decide on such claims, good and sufficient legal releases of their claim, as by said acts are required, until the first Monday of March next. And the commissioners aforesaid are hereby authorized and empowered to decide on such claims, and to adjudge to every such claimant or claimants the proportion of indemnification to which he or they may be respectively entitled.

Sec. 2. *And be it further enacted*, That the commissioners aforesaid shall be, and they are hereby authorized, in all cases where they shall direct suits to be commenced for the recovery of money fraudulently withdrawn from the treasury of Georgia, to transmit to the counsel or attorney appointed to institute and conduct such suits or prosecutions, all original papers or documents in their possession, that may furnish evidence to sustain the same.

Sec. 3. *And be it further enacted*, That there shall be allowed and paid, out of the Treasury of the United States, to each of the said commissioners and their secretary, the further sum of one thousand dollars, as a compensation for the additional services required by this act.

Approved, April 20, 1816.

An Act concerning field officers of the Militia.

Be it enacted, &c., That, from and after the first day of May next, instead of one lieutenant colonel commandant to each regiment, and one

major to each battalion of the militia, as is provided by the act entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two, there shall be one colonel, one lieutenant colonel, and one major to each regiment of the militia, consisting of two battalions. Where there shall be only one battalion, it shall be commanded by a major. *Provided*, That nothing contained herein shall be construed to annul any commission in the militia which may be in force, as granted by the authority of any State or Territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next.

Approved, April 20, 1816.

An Act respecting the late officers and crew of the sloop-of-war Wasp.

Whereas, there is reason to apprehend that the sloop-of-war Wasp, an armed ship of the United States, and lately commanded by Captain Johnston Blakely, is lost:

Be it enacted, &c., That there be allowed and paid to the representatives of Captain Johnston Blakely, and of each of the officers and crew aforesaid, as is hereinafter directed, twelve months wages; and that there be paid to the aforesaid representatives, and to the survivors of said officers and crew, if such there be, the sum of fifty thousand dollars, to be distributed as prize money for the capture and destruction, by said sloop-of-war, of the British armed vessels Reindeer and Avon.

Sec. 2. *And be it further enacted*, That the distribution of said wages and compensation shall be as follows, viz: one-third to the widow, and two-third parts to the children of the deceased; and in case there be no child, the whole to the widow; and if there be no widow, then to the child or children; and if there be neither widow nor child, then to the parent or parents; and if there be no parent, then to the brothers and sisters; and if there be neither brother nor sister, then such share or shares, not claimed as aforesaid, shall be and remain part of the navy pension fund; and the sums aforesaid shall be paid out of any moneys in the Treasury, not otherwise appropriated: *Provided*, That in all cases in which there shall be only one child, the widow shall have an equal share with the child.

Sec. 3. *And be it further enacted*, That the Secretary of the Navy be, and he hereby is, authorized and required to appoint a prize agent, whose duty it shall be to disburse the moneys aforesaid, or to refund any balance thereof, under such rules or regulations as the said Secretary may prescribe; and that all moneys not claimed by virtue of this act, within two years from the day when said sums shall be put at the disposal of the said prize agent, shall be deemed and held a part of the navy pension fund.

Approved, April 20, 1816.

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An Act authorizing the President of the United States to lease the saline near the Wabash river, for a term not exceeding seven years.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to lease the United States' saline, near the Wabash river, for a term not exceeding seven years, from and after the end of the present term, on such conditions as will insure the working the same most extensively, and most advantageously to the United States.

Approved, April 24, 1816.

An Act to increase the pensions of invalids in certain cases; for the relief of invalids in the militia; and for the appointment of pension agents in those States where there is no commissioner of loans.

Be it enacted, &c., That all persons, of the ranks hereinafter named, who are now on the military pension roll of the United States, shall, from and after the passage of this act, be entitled to, and receive, for disabilities of the highest degree, the following sums, in lieu of those to which they are now entitled, to wit: a first lieutenant, seventeen dollars; a second lieutenant, fifteen dollars; a third lieutenant, fourteen dollars; an ensign, thirteen dollars; and a non-commissioned officer, musician or private, eight dollars per month; and for disabilities of a degree less than the highest, a sum proportionably less.

SEC. 2. *And be it further enacted,* That all persons of the aforesaid ranks, who may hereafter be placed on the military pension roll of the United States, shall, according to their ranks and degrees of disabilities, be placed on at the aforesaid rates of pensions in lieu of those heretofore established: *Provided,* That nothing herein contained shall be construed to lessen the pension of any person who, by special provision, is entitled to a higher pension than is herein provided.

SEC. 3. *And be it further enacted,* That all laws and regulations relating to the admission of the officers and soldiers of the regular army to be placed on the pension roll of the United States shall, and they are hereby declared to relate equally to the officers and soldiers of the militia, whilst in the service of the United States.

SEC. 4. *And be it further enacted,* That the Secretary for the Department of War be, and he is hereby, authorized and required to appoint some fit and proper person in those States and Territories where there is no commissioner of loans, and also in the District of Maine, to perform the duties in those States and Territories, and in said district, respectively, relating to pensions and pensioners, which are now required of said commissioners in their respective States.

Approved, April 24, 1816.

An Act for organizing the General Staff, and making further provision for the Army of the United States

Be it enacted, &c., That in addition to the act providing for a Military Peace Establishment, the provisions of the act of March third, one

thousand eight hundred and thirteen, for the better organization of the general staff be, and the same are hereby, so far established, that the general staff shall in future consist of one adjutant and inspector general of the army, and one adjutant general, one inspector general, three topographical engineers, and one quartermaster general, with one deputy quartermaster general to a division; and an assistant of each to every brigade, which shall supersede the brigade quartermasters and inspectors now existing; and the apothecary general, as heretofore authorized, be allowed two assistant apothecaries.

SEC. 2. *And be it further enacted,* That the medical staff shall be so extended, that there shall be four hospital surgeons, and eight hospital surgeon's mates to each division, with as many post surgeons as the service may require, not exceeding twelve to each division, who shall receive the same pay and emoluments as hospital surgeon's mates; and that there be three judge-advocates to each division, and one chaplain to each brigade of the army, who shall receive the pay and emoluments of major, as heretofore allowed.

SEC. 3. *And be it further enacted,* That the pay department shall consist of one paymaster general of the army, with the annual salary of two thousand five hundred dollars, and that in addition to regimental paymasters, there be appointed one paymaster to each battalion of the corps of artillery, who, as well as the regimental paymasters, in addition to the regular and punctual payment of their respective regiments or corps, shall discharge the duties of district paymasters within such district as shall from time to time be assigned them by the paymaster general, under the direction of the Secretary of War. *Provided,* That regimental and battalion paymasters may be taken either from the subalterns of the army, or citizens, and appointed by the President of the United States: *Provided also,* That regimental and battalion paymasters shall receive the pay and emoluments of major, and shall each be allowed a capable non-commissioned officer as clerk, who, while so employed, shall receive double pay, and the actual expense of transportation while travelling under orders in the discharge of his duty.

SEC. 4. *And be it further enacted,* That it shall be the duty of the regimental and battalion paymasters to pay all the regular troops; and to insure punctuality and responsibility, correct reports shall be made to the paymaster general once in two months, showing the disposition of the funds previously transmitted, with accurate estimates for the next payment of such regiment, garrison, or department, as may have been assigned to each, and whenever any paymaster shall fail to transmit such estimate, or neglect to render his vouchers to the paymaster general for settlement of his accounts, more than six months after receiving funds, he shall be recalled, and another appointed in his place.

SEC. 5. *And be it further enacted,* That the purchasing department shall consist of one com-

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missary general of purchases, as heretofore authorized, with the annual salary of three thousand dollars, and one deputy commissary to each division, with the annual salary of two thousand dollars, and six assistant commissaries of issues, with the annual salary of one thousand three hundred dollars, and as many military storekeepers as the service may require, whose salaries shall be regulated by the Secretary of War, according to the duty they may perform: *Provided*, That the pay and emoluments shall not exceed that of a captain of infantry.

SEC. 6. *And be it further enacted*, That all officers of the pay, commissary, and quartermaster's department, shall, previous to their entering on the duties of their respective offices, give good and sufficient bonds to the United States, fully to account for all money and public property which they may receive, in such sum as the Secretary of War shall direct. And all paymasters, commissaries, and storekeepers, shall be subject to the rules and articles of war, in the same manner as commissioned officers: *Provided also*, That all officers of the pay and commissary's departments be submitted to the Senate for their confirmation, in the same manner as the officers of the army.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to prescribe the quantity and kind of clothing to be issued annually to the troops of the United States: *Provided*, That whenever more than the authorized quantity is required, the value of the extra articles shall be deducted from the soldiers' pay, and in like manner the soldiers shall receive pay, according to the annual estimated value for such authorized articles of uniform as shall not have been issued to them in each year. *Provided also*, That the manner of issuing and accounting for clothing shall be established in the general regulations of the War Department.

SEC. 8. *And be it further enacted*, That in all cases where a soldier of the regular army shall have been discharged from the service of the United States, and clothing shall be due to said soldier, it shall be the duty of the Paymaster General to cause the same to be paid for, according to the price paid in the seventh section of this act.

SEC. 9. *And be it further enacted*, That the several officers of the staff shall respectively receive the pay and emoluments, and retain all the privileges secured to the staff of the Army, by the act of March third, one thousand eight hundred and thirteen, and not incompatible with the provisions of this act; and that the regulations in force before the reduction of the Army be recognised, as far as the same shall be found applicable to the service, subject however to such alterations as the Secretary of War may adopt, with the approbation of the President.

SEC. 10. *And be it further enacted*, That the officers of the staff, provisionally retained by the President, and in this act enumerated and made permanent, be recognised in service under this act, and that the garrison surgeons and mates be hereafter considered as post surgeons; and hereafter

the staff of the Army may be taken from the line of the Army, or from citizens.

SEC. 11. *And be it further enacted*, That the ordnance department be continued as at present organized under the act of February eighth, one thousand eight hundred and fifteen, and that ordnance officers be assigned to their duties with the staff of the Army, in the same manner as from the corps of engineers.

SEC. 12. *And be it further enacted*, That when forage is not drawn in kind by officers of the Army entitled thereto, eight dollars per month for each horse, not exceeding the number authorized by existing regulations, shall be allowed in lieu thereof: *Provided*, That neither forage nor money shall be drawn by officers, but for horses actually kept by them in service: *Provided also*, That none except company officers shall be allowed to take as servants or waiters soldiers of the Army, and that all officers be allowed, for each private servant actually kept in service, not exceeding the number authorized by existing regulations, the pay, rations, and clothing of a private soldier, or money in lieu thereof, on a certificate setting forth the name and description of the servant or servants, in the pay account: *Provided also*, That one additional ration be allowed to all subaltern officers of the Army.

Approved, April 24, 1816.

An Act concerning the entry of vessels at the ports of Middletown and Plymouth.

Be it enacted, &c., That it shall be lawful to make entry of foreign ships or vessels, and of cargoes which may be on board the same, and to unlade such cargoes respectively, or any part thereof, at the port of Middletown, in the State of Connecticut, and at Plymouth, in the State of North Carolina, under the regulations in such cases by law provided.

Approved, April 24, 1816.

An Act making appropriations for the support of the Navy of the United States for the year one thousand eight hundred and sixteen.

Be it enacted, &c., That, for defraying the expenses of the Navy for the year one thousand eight hundred and sixteen, the following sums be, and they are hereby, respectively appropriated, that is to say:

For pay and subsistence of the officers, and pay of the seamen, one million one hundred and forty-two thousand and fifteen dollars.

For provisions, three hundred and fifty-six thousand eight hundred and seventy dollars.

For medicine, hospital stores, and all expenses on account of the sick, including those of the marine corps, twenty-five thousand dollars.

For repairs of vessels three hundred thousand dollars.

For ordnance, ammunition, and military stores, two hundred and ten thousand dollars.

For navy yards, docks, and wharves, four hundred and fifty thousand dollars.

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For contingent expenses, including freight, transportation, and recruiting expenses, three hundred thousand dollars.

For pay and subsistence of the marine corps, one hundred and forty-one thousand, one hundred and seventy-two dollars.

For clothing for the same, thirty-four thousand one hundred and sixty-six dollars.

For military stores for the same, one thousand one hundred and eighty-eight dollars.

For contingent expenses for the same, fourteen thousand five hundred dollars.

Sec. 2. *And be it further enacted,* That the several appropriations, hereinbefore made, shall be paid out of moneys in the Treasury not otherwise appropriated.

Approved, April 24, 1816.

An Act for the more convenient arrangement of the times and places of holding the Circuit Courts of the United States, for the districts of South Carolina and Georgia.

Be it enacted, &c., That, from and after the first day of June next, the circuit courts in and for the sixth circuit of the United States shall be held at the following times and places, and no others; that is to say, for the district of Georgia, at Savannah, on the fourteenth day of December, in every year, and at Milledgeville, on the sixth day of May in every year; for the district of South Carolina, at Charleston, on the twentieth day of November in every year, and at Columbia on the twentieth day of April in every year; and the circuit courts for the said districts respectively, or the circuit judge of the said sixth circuit is authorized and required to make all such rules and orders as may be necessary to carry into effect the change in time and place of holding the said courts, according to the true intent and meaning of this act.

Approved, April 24, 1816.

An Act for the relief of certain purchasers of public lands in the Mississippi Territory.

Be it enacted, &c., That every person who, since the first day of April, one thousand eight hundred and eleven, and prior to the eighteenth day of June, one thousand eight hundred and twelve, had purchased any tract or tracts of public land in the Mississippi Territory, not exceeding in the whole six hundred and forty acres, unless the tract purchased be a fractional section or sections, or fractional sections classed with an entire section, and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase money, shall be allowed the further time of two years and eight months from and after the expiration of the present period already given by law for completing the payment of the said purchase money; which further term of two years and eight months shall be allowed only on the condition, that all arrears of interest on the purchase money shall have been paid on or before the time shall have expired for

completing the payment of the purchase money: *Provided,* That in all cases in which the time for completing the payment of the purchase money may have expired, or shall expire, before the first day of July next, the interest may be paid on or before that day. But in case of failure in paying either the arrears, or the residue of principal with the accruing interest, as is herein provided, the tract of land shall forthwith be advertised and offered for sale, in the same manner, and on the same terms, as is directed by law in case of lands not paid for within the limited term, and shall revert in like manner, if the sum due, with interest, be not at such sale bidden and paid. And in cases where any tract or tracts of land in said Territory, not exceeding in the whole, six hundred and forty acres, unless the tract be a fractional section or sections, or fractional sections classed with an entire section have, since the first day of October last, reverted to the United States, for default of payment, the original purchaser may again enter the same tract or tracts at the price at which such tract or tracts were originally sold; and all moneys which such original purchaser may have paid shall be replaced to his credit by the receiver of public moneys for the district in which the land may lie, and such re-purchasers shall be allowed the same benefits of the extension of the time of payment created by this act, as though no such reversion had occurred: *Provided,* That such original purchaser shall make to the proper officer such application for such re-entry as is required by law for the entry of lands on or before the first day of July next, and that the land so reverted shall not have then been previously resold.

Approved, April 24, 1816.

An Act supplementary to an act, entitled "An act granting bounties in lands and extra pay to certain Canadian volunteers."

Be it enacted, &c., That instead of the Treasurer of the United States, as is prescribed by the third section of the act to which this is a supplement, the Paymaster of the Army of the United States be, and he is hereby, authorized and required to pay to each of the persons described in the act above recited, according to the provisions thereof, three months' pay in addition to that to which they may have been previously entitled, according to the rank they respectively held in the Army of the United States during the late war.

Approved, April 26, 1816.

An Act declaring the assent of Congress to an act of the General Assembly of the State of Virginia.

Be it enacted, &c., That the assent of Congress is hereby given and declared to an act of the General Assembly of Virginia, entitled "An act incorporating a company for the purpose of improving the navigation of James river from Warwick to Rockett's landing," which act was passed on

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the twenty-second day of February, in the year one thousand eight hundred and sixteen.

Approved, April 26, 1816.

An Act rewarding the officers and crew of the Constitution, for the capture of the British sloop-of-war *Levant*.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to have distributed as prize money, to Captain Chas. Stewart, late of the frigate *Constitution*, his officers and crew, the sum of twenty-five thousand dollars, for the capture of the British sloop-of-war *Levant*; and that the sum of twenty-five thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose aforesaid.

Approved, April 26, 1816.

An Act authorizing the payment of a sum of money to John T. Courtney and Samuel Harrison, or their legal representatives.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to John T. Courtney and Samuel Harrison, citizens of Virginia, or if either of both of them be dead, then to their legal representatives, the sum of three hundred and seventy-five dollars, to be equally divided between them; which sum is paid them in consequence of their exertions in saving from being destroyed by fire, the gunboat schooner *Asp*, belonging to the United States, when she was set on fire and left burning by the enemy, after having been taken by them in an action in the month of July, one thousand eight hundred and thirteen, in the river Potomac.

Approved, April 26, 1816.

An Act establishing a port of delivery at the town of the Bayou St. John.

Be it enacted, &c., That the town of the Bayou St. John, in the State of Louisiana, shall be a port of delivery; that a surveyor shall be appointed to reside at said port; that all ships and vessels bound to said port shall, after proceeding thereto, and making report and entry, at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the said town of the Bayou St. John, or at the basin of the canal of Carondelet, adjoining the city of New Orleans, under the rules and regulations prescribed by law.

SEC. 2. *And be it further enacted,* That so much of the sixth section of the act of Congress, passed on the twenty-fourth day of February, one thousand eight hundred and four, entitled "An act for laying and collecting duties on imports and tonnage, within the territories ceded to the United States by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic, and for other purposes," as is contrary to this act, is hereby repealed.

Approved, April 26, 1816.

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An Act supplementary to the act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same.

Be it enacted, &c., That, in regard to the direct tax imposed by the act of Congress, passed the fifth of March, one thousand eight hundred and sixteen, and to any other direct tax that may be hereafter imposed, the enumerations, valuations, and assessments first made, or to be made, in virtue of the "Act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," passed the ninth of January, one thousand eight hundred and fifteen, shall remain unchanged, except in so much as the respective amounts of tax may be affected by the augmentation or diminution of the aggregate tax laid, or to be laid, and the property so enumerated, valued, and assessed, shall continue liable, with such qualification, to the taxes so assessed, subject only to the changes herein-after provided for, and to those that may arise from the correction of errors, as authorized by the last recited act.

SEC. 2. *And be it further enacted,* That the changes to be made in the said enumerations, valuations, and assessments, and in the subsequent revisions thereof, shall be relative to the first day of June in the present year, and in every subsequent year in which a direct tax may be imposed, shall be effected by the principal assessors, without the employment of assistant assessors, and shall extend to the supplying omissions of assessable property, to the transfers of real estate and slaves, to the changes of residents and non-residents, to the burning or destruction of houses or other fixed improvements of real estate, to the exemption of property that may have ceased to be assessable, and to the assessment of property that may have ceased to be exempted from assessment, to such other cases as the Secretary of the Treasury may find it necessary in the furtherance of justice specially to authorize, and to the birth or death of slaves, or their running away, or otherwise becoming useless: *Provided,* That changes in the last case shall be solely where the tax standing chargeable to any person for slaves would be diminished by the valuation on the said first day of June of all those then owned by such person, excepting those obtained by transfer, in which case the reduction in the valuation shall be equal to the difference between the amount of the original and existing valuation.

SEC. 3. *And be it further enacted,* That it shall be the duty of each of the principal assessors, within fifteen days from the first of June, to attend in person, or in case of his sickness, by a deputy to be appointed by him, at six several places within his district most convenient to the inhabitants, the court-houses being of the number, except where they exceed six, and then at each court-house within the district, for one full day at each place, for the purpose of receiving any in-

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formation as to the changes as aforesaid, which may have taken place since the preceding assessment or revision, which information shall be given in writing under the signature of the person whose tax may be affected thereby; of which attendance, and the object thereof, the said principal assessor shall, on or before the fifteenth day of May preceding, cause notice to be given, which notice shall be inserted three times weekly in all the newspapers published within his district, and in handbills, to be posted up at all the court-houses therein; causing, at the same time and in the same mode, notice to be given that he will attend to hear appeals relative to any such changes at the times and places herein specified therefor.

SEC. 4. *And be it further enacted*, That each of the said principal assessors shall, within ten days after the said fifteen days, according to the information so received, or to any other information satisfactory to him, revise the general lists for his district, and note in a supplementary form such changes as shall appear to him to have occurred; and shall, within the said term of ten days, make out a distinct statement of each change, which shall include the name of the person so liable to tax, and the valuation of the property, and shall either cause the same to be delivered to such person, or to be put in the mail, addressed to him or her, and directed to the post office nearest to his or her abode, agreeably to the best information of the said principal assessor, with a notification of the times and places of hearing any appeals that may be made, as hereinafter provided for: *Provided*, That no such notice need be given to persons not residing within the district.

SEC. 5. *And be it further enacted*, That it shall be the duty of the said principal assessor to attend at the several places aforesaid within his district, within fifteen days from the expiration of the ten days aforesaid, for at least one day at each court-house, for the purpose of receiving any appeals that may be made in writing as to the changes aforesaid, which changes shall be open to the inspection of any person who may apply to inspect the same.

SEC. 6. *And be it further enacted*, That the changes aforesaid shall be made in the following manner, and according to the following principles, in addition to those hereinbefore stated, that is to say:

In all cases that relate to real estate, and to the transfer of slaves, other than is herein specially provided for, the rate at which the same were or would have been valued under the act aforesaid, passed the ninth of January, one thousand eight hundred and fifteen, shall, as near as may be, be maintained; excepting where a partial alienation of real estate shall occur, in which case the original tax shall be apportioned among the several parts according to their existing value.

In all other cases relative to slaves, the valuation shall be made according to their existing value.

In cases in which real property shall have been

once sold for taxes, and purchased on behalf of the United States, such property shall, notwithstanding, continue to be entered on the general lists, and the tax lists, in the name of the original proprietor, until the period allowed for the redemption thereof shall have expired, after which, unless redeemed, it shall be stricken therefrom; but after being so purchased it shall not, while it remains unredeemed, be again sold for any other direct tax; and, during such period, the redemption thereof shall only be effected on the payment of all the taxes, additions, and charges due thereon, the same as if it still continued the property of the original owner, and as if it had been sold for each accruing tax; and the collectors shall, on rendering the proper accounts, be credited for the amount of taxes on property thus continuing unredeemed.

Any person becoming the owner of a slave by transfer to him from a district other than that in which he resides, shall, at the time and place prescribed by the third section of this act, furnish the principal assessor with a statement, specifying the sex and age of such slave, who shall be valued according to his or her existing value; and any such person who shall neglect to furnish a statement, shall forfeit and pay a sum not exceeding ten dollars; one half thereof for the use of the United States, and the other half for the use of the informer. And where a transfer of a slave shall be made by a person residing within one district to a person residing in another, which shall become known to the principal assessor of the former district, he shall forthwith advise, through the mail, the principal assessor of the latter district thereof, who shall, in case the statement aforesaid shall not have been rendered as aforesaid, institute a prosecution against the person to whom the transfer has been made for the said penalty.

In all cases the individual statements of changes shall be made out in such a manner as may be directed by the principal assessor, and shall, in their form, be as similar as practicable to the lists taken at the preceding assessment.

SEC. 7. *And be it further enacted*, That, for the purpose of insuring a correct execution of the objects aforesaid, the principal assessors shall take and pursue all other lawful measures, by the examination of records, the entry on the premises, or by any other satisfactory proof, which they shall consider necessary.

SEC. 8. *And be it further enacted*, That, within thirty days after the expiration of the time allotted as aforesaid to the hearing of appeals, it shall be the duty of the principal assessor in each district to revise, agreeably to his decision and the information he may possess, the enumerations and valuations aforesaid, correcting the same agreeably to the changes aforesaid, and to make out a complete corrected list of all the enumerations and valuations in his district, agreeably to the form prescribed by the act aforesaid, passed the ninth of January, one thousand eight hundred and fifteen, which the said principal assessor shall sign and preserve among his official papers; and

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further to make out and deliver to the collector, within the same time, agreeably to the twenty-first section of the said act, the tax lists therein designated, made to conform to such changes; whereupon the respective steps required by the provisions of the said act, not incompatible with those prescribed by this act, shall be pursued.

SEC. 9. *And be it further enacted*, That so much of the thirty-ninth section of the act aforesaid, passed the ninth of January, one thousand eight hundred and fifteen, as respects the time within which transfers and changes of property shall be ascertained, and the making out and delivery of the lists thereof, be, and the same are hereby, repealed.

SEC. 10. *And be it further enacted*, That in case any circumstance shall prevent a compliance, in point of time, with the foregoing provisions, the steps required shall nevertheless be taken thereafter; in which event the same notices shall be given, and the same terms of time be allotted to the performance of the several duties that would have been requisite had no such failure existed.

SEC. 11. *And be it further enacted*, That the duties aforesaid, required of the principal assessors, and the compensation for the performance thereof, shall be confined to those States which shall not have assumed the payment of the direct tax laid in any year, or, having assumed, shall not have duly paid the same.

SEC. 12. *And be it further enacted*, That in default of the performance of the duties enjoined by this act on any principal assessor, he shall forfeit and pay, for the use of the United States, a sum not exceeding five hundred dollars, to be sued for and recovered in the name of the United States in any court having competent jurisdiction.

SEC. 13. *And be it further enacted*, That all letters to and from the principal assessors, relative to their official duties, shall be transmitted free of postage. And any principal assessor who shall put his frank on any other letter, shall forfeit and pay the sum of ten dollars, the whole of which shall be for the use of the person who shall give information thereof.

SEC. 14. *And be it further enacted*, That in lieu of the compensations heretofore allowed to the principal assessors, they shall respectively receive, for every year in which a direct tax shall be laid, a salary of two hundred dollars, and three dollars for every hundred taxable persons contained in the tax lists delivered to the collectors, together with an allowance for their necessary and reasonable charges for books and stationery used in the execution of their duties, which said duties shall be considered as embracing the correction of errors, as authorized by law. And the President of the United States shall be, and he is hereby, authorized to augment, in cases where he shall deem it necessary, the foregoing compensations: *Provided*, That there shall not be allowed to any one principal assessor, in any such year, more than two hundred dollars, in addition to his fixed compensation: *And provided*, That

the whole extra amount thus allowed shall not exceed in such year ten thousand dollars. And for the purpose of carrying this act into effect; there is hereby appropriated, in each year in which a direct tax shall be laid, a sum of one hundred thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated: *Provided*, That any other existing appropriation for the said purposes be, and the same is hereby, repealed.

SEC. 15. *And be it further enacted*, That in lieu of the time now fixed by law for the commencement of the collection of the direct tax, it shall be in each district immediately subsequent to the day on which the tax lists shall be delivered to the collector thereof.

SEC. 16. *And be it further enacted*, That in all cases in which a tax shall be charged for slaves, the real estate of the person charged therewith may be sold therefor, in the same manner as for a tax due thereon; but no slaves sold for taxes shall be purchased on behalf of the United States.

SEC. 17. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to assign to the commissioner of the revenue the duty of superintending the assessor's valuations and assessments, under the laws imposing a direct tax, as well as the collection of the tax, subject to his directions and control, according to the powers vested in him by law.

SEC. 18. *And be it further enacted*, That the foregoing provisions shall apply to any direct tax imposed or to be imposed upon the District of Columbia, and shall be and remain in force, anything in any former act or acts to the contrary notwithstanding.

SEC. 19. *Provided always, and be it further enacted*, That the equalization and apportionment of the direct tax made in the year eighteen hundred and fifteen by the board of principal assessors for the State of Delaware, in virtue of the before recited act, entitled "An act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying a direct tax upon the United States, and to provide for the assessing and collecting the same," shall not be in force or have any effect as it relates to that State's quota of the direct tax imposed by the act of Congress, passed the fifth day of March, one thousand eight hundred and sixteen, or that shall be imposed by any subsequent act of Congress; and it shall be the duty of the said board of principal assessors again to convene in general meeting on the first Monday in June next, at Dover, in the said State, and then and there diligently and carefully reconsider and re-examine the several lists of valuation for the direct tax for the said State, for the year one thousand eight hundred and fourteen, and they shall have power to revise, alter, readjust, and equalize the several lists of valuation aforesaid for the counties of the said State respectively, by adding thereto or deducting therefrom such a rate per centum, as shall render the valuation of the said counties relatively equal according to

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the present actual ready money value of the property assessed and contained in the said lists of valuation; and shall thereupon apportion to each county in the said State a quota of the tax bearing the same proportion to the whole direct tax imposed on the State as the aggregate valuation of each county bears to the aggregate valuation of the State; and the valuation, equalization, and apportionment so made by the board of principal assessors aforesaid, shall be in full force and operation, and remain unchanged, subject only to the exceptions contained in the first section of this act; and the said board of principal assessors shall, within twenty days after their meeting, as hereinbefore directed, complete the said revision, equalization, and apportionment, and shall record the same, and in all respects, not herein otherwise directed, shall conform to the provisions contained in the act in this section first above recited.

Approved, April 26, 1816.

An Act for the relief of a company of the twentieth brigade of Virginia militia, commanded by Captain Jonathan Wamsly.

Be it enacted, &c., That the accounting officers of the War Department be, and they are hereby, authorized and directed to audit and settle the claims of such of the commissioned officers, non-commissioned officers, musicians, and privates of the Virginia militia, lately under the command of Captain Jonathan Wamsly, while in the service of the United States, as served a tour of duty at Norfolk, and to allow them, in the settlement thereof, the amount of their pay while in the service of the United States, which was drawn in their behalf by the said Captain Wamsly, after their discharge from service, and not paid over to them.

Sec. 2. And be it further enacted, That the amount of the said claims shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 26, 1816.

An Act for the relief of the Supervisors of the county of Clinton, in the State of New York.

Be it enacted, &c., That the commissioner to be appointed by virtue of the act, entitled "An act to authorize the payment for property lost, captured or destroyed by the enemy while in the military service of the United States, and for other purposes," passed April ninth, one thousand eight hundred and sixteen be, and he is hereby, authorized and directed to audit and settle the claim of the supervisors of the county of Clinton, in the State of New York, for the destruction of the court-house of the said county, by order of General Alexander Macomb, by ascertaining, or causing to be ascertained, the value thereof, in the manner and form prescribed by the provisions of the aforesaid act.

Sec. 2. And be it further enacted, That the amount thereof, when so ascertained, shall be paid to the said supervisors for the benefit of the

county of Clinton, out of any money in the Treasury not otherwise appropriated.

Approved, April 26, 1816.

An Act authorizing the payment of a sum of money to James Levins.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, to James Levins, of South Carolina, or to his legal representative, which sum of five hundred dollars is paid to him as an evidence of the sense entertained by Congress of his valor and good conduct, in having recaptured, alone and unassisted, the schooner Santee, together with a midshipman and four seamen of the British navy, which prisoners were delivered to the marshal of the district of South Carolina, and also as compensation for the prisoners so taken.

Approved, April 26, 1816.

An Act for the relief of the widow and children of Charles Dolph, deceased.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to the widow of Charles Dolph, deceased, late of Saybrook, in the State of Connecticut, the sum of five hundred dollars, for the use of herself and the children of the said Dolph, (who was killed during the late war with Great Britain, in an engagement between a party of volunteers raised in said town of Saybrook, and the crew of a British privateer called the Rover,) in consideration of the capture of five British prisoners on that occasion, which prisoners were delivered over to the marshal of the United States for the district of Connecticut.

Sec. 2. And be it further enacted, That the money herein granted be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 26, 1816.

An Act to increase the compensations now allowed by law to Inspectors, Measurers, Weighers, and Gaugers, employed in the collection of the customs.

Be it enacted, &c., That an addition of fifty per cent. upon the sums allowed as compensation to inspectors, or persons acting as occasional inspectors, employed in aid of the customs, and to the measurers, weighers, or gaugers, by the act, entitled "An act to establish the compensations of officers employed in the collection of the duties on imposts and tonnage, and for other purposes," passed on the second of March, one thousand seven hundred and ninety-nine, be, and the same is hereby, allowed to the said inspectors, measurers, weighers, or gaugers, to be ascertained, certified and paid, under the regulations prescribed in the abovementioned act.

Approved, April 26, 1816.

An Act for the relief of Young King, a chief of the Seneca tribe of Indians.

Be it enacted, &c., That the Secretary for the

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Department of War be, and he is hereby, authorized and required, to cause to be paid to Young King, a chief of the Seneca tribe of Indians, quarter yearly, the sum of fifty dollars, amounting to the sum of two hundred dollars per annum, during the term of his natural life, as a compensation for the brave and meritorious services which he rendered the United States in the late war with Great Britain, and as a provision for the wound and disability which he received in the performance of those services.

SEC. 2. *And be it further enacted*, That the said sum be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 26, 1816.

An Act authorizing the payment for the Court-House of Hamilton, in the State of Ohio.

Be it enacted, &c., That the commissioner to be appointed by virtue of the act, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed the ninth of April, one thousand eight hundred and sixteen, be, and he is hereby, authorized and directed to audit and settle the claim of the county of Hamilton, in the State of Ohio, for the destruction by fire of the county court-house while occupied by the troops of the United States, by ascertaining, or causing to be ascertained, the value thereof, in the manner and form prescribed by the aforesaid act.

SEC. 2. *And be it further enacted*, That the amount thereof, when so ascertained, shall be paid to the proper authority, out of any money in the Treasury not otherwise appropriated.

Approved, April 26, 1816.

An Act for the relief of John Crosby and John Crosby, junior.

Be it enacted, &c., That the proper accounting officers of the Navy Department be, and they are hereby, authorized and directed to audit and settle the claim of John Crosby and John Crosby, junior, on account of the destruction by fire of their store-house, goods, and wharf, in the town of Hampden, in the State of Massachusetts, and to allow them, in the settlement thereof, the value of the said property destroyed as aforesaid.

SEC. 2. *And be it further enacted*, That the amount thereof, when so ascertained, shall be paid to the said John Crosby and John Crosby, junior, out of any money in the Treasury not otherwise appropriated.

Approved, April 26, 1816.

An Act for the relief of the President and Directors of the Washington Bridge Company.

Be it enacted, &c., That the commissioner to be appointed by virtue of the act, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed April ninth, one thou-

sand eight hundred and sixteen, be, and he is hereby, authorized and directed to audit and settle the claim of the president and directors of the Washington Bridge Company, for the injury done to the southwestern end of the said bridge by order of the Government, or any of its authorized agents, in August, one thousand eight hundred and fourteen, by ascertaining, or causing to be ascertained, the value thereof, in the manner and form prescribed by the provisions of the aforesaid act.

SEC. 2. *And be it further enacted*, That the amount thereof, when so ascertained, shall be paid to the said president and directors, out of any money in the Treasury not otherwise appropriated.

Approved, April 26, 1816.

An Act making further provision for settling claims to land in the Territory of Illinois.

Be it enacted, &c., That every person, and the legal representatives of every person, who, before the fifth day of February, one thousand eight hundred and thirteen, settled on and improved any tract of land reserved for the use of schools or seminaries of learning, and who, had not the same been reserved, would have had the right of pre-emption within the tract of country set apart by the third section of the act of the sixteenth day of April, one thousand eight hundred and fourteen, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location," to satisfy the unlocated claims to land in said Territory, shall be, and they hereby are, authorized and allowed, until the first day of October, one thousand eight hundred and sixteen, to enter the same, for purchase, with the register and receiver of public moneys of the land office at Kaskaskia; and it shall be the duty of the register and receiver to enter the same for purchase, according to the provisions of this and the said recited act: *Provided*, That such person or persons shall not have entered, in right of pre-emption, other lands in lieu thereof, in virtue of the third section of an act to amend the aforesaid act, passed the twenty-seventh day of February, one thousand eight hundred and fifteen.

SEC. 2. *And be it further enacted*, That the register and receiver of public money shall have power, and they are hereby authorized, to select any other vacant and unappropriated lands within the tract set apart to satisfy confirmed claims as aforesaid, in lieu of such of the lands formerly reserved for a seminary of learning, and for the support of schools, as have been appropriated in satisfaction of ancient grants or confirmed improvement claims, or as shall be entered in right of pre-emption, according to the provisions of the preceding section of this act: *Provided*, That the lands thus to be selected shall be taken as near adjacent to those in lieu of which they are selected as an equal quantity of land of like quality can be obtained, and shall be reserved and appropriated for the same purpose.

SEC. 3. *And be it further enacted*, That the

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provisions of the second section of an act passed the twenty-seventh day of February, one thousand eight hundred and fifteen, respecting the settlers on the fractional sections and quarter sections within the aforesaid reserved tract, shall extend to all other settlers on the fractional sections or quarter sections within the Kaskaskia district.

SEC. 4. And be it further enacted, That all the claims filed in the name of the original claimants, or their heirs, not exceeding four hundred acres, contained in a list transmitted to the Commissioner of the General Land Office, by Michael Jones, register, and S. Bond, receiver of public moneys of the land office for the district of Kaskaskia, bearing date the twenty-ninth day of March, one thousand eight hundred and fifteen, be, and they hereby are, confirmed to the original claimants or their heirs: *Provided,* That the said claims, hereby confirmed, be, and they hereby are, deemed and taken to be unlocated claims, and they shall not in anywise defeat or interfere with locations made in virtue of other authorized claims on lands improved by the said claimants or others.

SEC. 5. And be it further enacted, That the claimants whose claims are confirmed by virtue of the fourth section of this act, and all others lawfully holding confirmed unlocated claims for lands within the tract reserved by the before-recited act of the sixteenth day of April, one thousand eight hundred and fourteen, be allowed until the first day of October, one thousand eight hundred and sixteen, to register the same; and the said claims shall be receivable in payment for public lands within the said reserved tract, conformably with the provisions of the last above-mentioned act, and of the present act, any time prior to the first day of October, one thousand eight hundred and sixteen.

SEC. 6. And be it further enacted, That all persons, or their legal representatives, entitled to the right of pre-emption of lands within the boundary specified in the before-recited act of the sixteenth day of April, one thousand eight hundred and fourteen, which lands have not been surveyed under the authority of the United States, shall be, and they hereby are, allowed a further time for making their entries with the register of the land office, until the lands upon which they have respectively settled and improved shall be surveyed by the United States, and until the expiration of six months next thereafter.

SEC. 7. And be it further enacted, That every person, and the legal representative of every person, whose claim to a tract of land within the Illinois Territory is confirmed by this or any former act, and who has not previously obtained a patent for the same from the Governor either of the territory northwest of the Ohio, or of the Indiana Territory, shall, whenever his claim shall have been located and surveyed, be entitled to receive from the register of the land office at Kaskaskia a certificate, stating that the claimant is entitled to receive a patent for such tract of land by virtue of this act, for which certificate the register shall receive one dollar; and which cer-

tificate shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by law for lands purchased of the United States.

Approved, April 26, 1816.

An Act providing for the sale of the tract of land at the lower rapids of Sandusky river.

Be it enacted, &c., That so much of the tract of land of two miles square, at the lower rapids of Sandusky river, ceded by the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Patawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias tribes of Indians to the United States, by the Treaty of Greenville, of the third of August, one thousand seven hundred and ninety-five, shall, under the direction of the Surveyor General, be laid off into town lots, streets, and avenues, and into out-lots, in such manner, and of such dimensions, as he may judge proper: *Provided,* The tract so to be laid off shall not exceed the quantity of land contained in one entire section, nor the town lots one-quarter of an acre each. When the survey of the lots shall be completed, a plat thereof shall be returned to the Surveyor General, on which the town lots and out-lots shall respectively be designated by progressive numbers, who shall cause two copies to be made, one to be transmitted, with a copy of the field notes, to the Commissioner of the General Land Office, and the other to the register of the land office at Wooster.

SEC. 2. And be it further enacted, That, previously to the disposal at public sale of the before-mentioned tract of land, the Surveyor General shall, and he is hereby directed to resurvey and mark the exterior lines of the said tract, conformably to the survey made in the year one thousand eight hundred and seven, by virtue of the act of the third of March, one thousand eight hundred and five, and also to cause divisional lines to be run through each fractional section, and of the adjoining quarter section, so that each subdivision having one front on the river may contain, as nearly as may be, eighty acres each. And in like manner to cause the large island, lying in the west half of section number one, to be surveyed, and the same to be divided into two equal parts: *Provided,* That, in running the subdivisional lines, no interference shall be made affecting the selection or location hereafter to be made under the direction of the Secretary of War: *Provided, also,* That in no case shall the subdivisional lines be so run, as to extend to or embrace the bed of the river, which shall be deemed, and is hereby declared to be, a public highway: *And provided, also,* That the whole expense of resurveying and marking the exterior lines of the said cession, and running and marking the subdivisional lines of the fractional and quarter sections lying adjacent to the river, shall not exceed three dollars for every mile actually surveyed, resurveyed, and marked, by virtue of this and the preceding section.

SEC 3. And be it further enacted, That all the

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land contained within the aforesaid cession of two miles square, shall, with the exception of as many town lots and out-lots, as in the opinion of the Secretary of the Treasury may be necessary to reserve for the support of schools within the same, and with exception also of the salt springs and land reserved for the use of the same, be offered for sale to the highest bidder at Wooster, in the State of Ohio, under the direction of the register and receiver of the land office, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sale for the divided quarter sections, fractional sections, and of the town lots and out-lots, shall remain open at Wooster for seven days, and no longer. The divided quarter-sections and fractional sections shall not be sold for less than two dollars an acre; the in-lots for less than twenty dollars each, nor any out-lot for less than at the rate of five dollars per acre; and shall, in every other respect, be sold on the same terms and conditions as have been or may be provided by law for the lands sold north of the river Ohio, and above the mouth of Kentucky river. All the land, other than what is excepted as above-mentioned, remaining unsold at the closing of the public sales, may be disposed of at private sale by the register of the land office at Wooster, agreeably to the provisions of this act, and, in the same manner, under the same regulations and conditions as are or may be provided by law for the sale of the public lands of the United States north of the river Ohio, and above the mouth of Kentucky river; and patents shall be obtained for all lands granted or sold within the said cession, in the same manner, and on the same terms as are or may be provided by law for land sold in the State of Ohio. The superintendents of the public sales directed by this section, shall receive four dollars each for each day's attendance on the said sales.

Approved, April 26, 1816.

An Act continuing the salaries of certain officers of Government.

Be it enacted, &c., That the annual compensations of the different officers enumerated in the act passed the twentieth day of February, one thousand eight hundred and four, entitled "An act continuing, for a limited time, the salaries of the officers of Government therein mentioned," shall be continued as if the said act had not expired, or contained any provision for limiting its continuance.

Approved, April 27, 1816.

An Act for the payment of the militia, in the case therein mentioned.

Be it enacted, &c., That the detachment of the militia of Kentucky, under the command of Col. Dudley, for the term of six months, who were captured at Fort Meigs, and paroled, be paid for the said term of six months; and that the proper officers of the War Department liquidate and pay their claims, in the same manner that the claims

of the regular troops of the United States would be liquidated and paid in like cases.

Approved, April 27, 1816.

An Act allowing pay to certain persons made prisoners with the revenue cutter "Surveyor."

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to settle the accounts for pay of the boatswain, gunner, cook, and ten mariners, captured on board the revenue cutter Surveyor, during the late war with Great Britain, up to the period of their release and return from captivity, and to pay the amount to them, or their legal representatives, out of any moneys in the Treasury, not otherwise appropriated; and the Secretary of the Treasury is hereby authorized to settle with Samuel Traverse, late master of the cutter Surveyor, and pay him up to the seventeenth day of May, one thousand eight hundred and fourteen.

Approved, April 27, 1816.

An Act to regulate the duties on imports and tonnage.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and sixteen, the duties heretofore laid by law on goods, wares, and merchandise, imported into the United States, shall cease and determine, and there shall be levied, and collected, and paid, the several duties hereinafter mentioned, that is to say:

First. A duty of seven and a half per centum ad valorem, on all dying drugs and materials for composing dyes, not subject to other rates of duty; gum arabic, gum senegal, saltpetre; jewelry, gold, silver, and other watches, and parts of watches; gold and silver lace, embroidery, and epaulettes; precious stones and pearls of all kinds, set or not set; Bristol stones or paste work, and all articles composed wholly or chiefly of gold, silver, pearl, and precious stones; and laces, lace veils, lace shawls, or shades, of thread or silk.

Second. A duty of fifteen per centum ad valorem on gold leaf, and on all articles free, and not subject to any other rate of duty.

Third. A duty of twenty per centum ad valorem on hempen cloth or sail cloth, (except Russian and German linens, Russia and Holland duck,) stockings, of wool or cotton; printing types; all articles manufactured from brass, copper, iron, steel, pewter, lead, or tin, or of which these materials, or either of them, is the material of chief value; brass wire, cutlery, pins, needles, buttons, button moulds, and buckles of all kinds; gilt, plated, and japanned wares of all kinds; cannon, muskets, firearms, and sidearms; Prussian blue, china-ware, earthen-ware, and stone-ware, porcelain and glass manufactures, other than window glass and black glass quart bottles.

Fourth. A duty of twenty-five per centum ad valorem, on woollen manufactures of all descriptions, or of which wool is the material of chief value excepting blankets, woollen rugs, and worsted or stuff goods, shall be levied, collected and paid, from and after the thirtieth day of June next,

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until the thirtieth day of June, one thousand eight hundred and nineteen, and after that day, twenty per centum on the said articles; and on cotton manufactures of all descriptions, or of which cotton is the material of chief value, and on cotton twist, yarn or thread, as follows, viz: for three years next ensuing the thirtieth day of June next, a duty of twenty-five per centum ad valorem; and after the expiration of the three years aforesaid, a duty of twenty per centum ad valorem: *Provided*, That all cotton cloths, or cloths of which cotton is the material of chief value, (excepting nankeens, imported directly from China,) the original cost of which at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or from places beyond it, and of ten per cent. if imported from any other place, shall be less than twenty-five cents per square yard, with such addition, be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly: *Provided also*, That all unbleached and uncolored cotton twist, yarn or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly; and all bleached or colored yarn, the original cost of which shall have been less than seventy-five cents per pound, shall be taken and deemed to have cost seventy-five cents per pound, and shall be charged with duty accordingly: *And provided further*, That cotton piece goods imported in ships or vessels of the United States which shall have sailed from the United States before the passage of this act, and shall arrive therein between the thirtieth day of June, one thousand eight hundred and sixteen, and the first day of June, one thousand eight hundred and seventeen, the original cost of which cotton piece goods, at the place whence imported, shall have been less than twenty-five cents per square yard, shall be admitted to entry, subject only to a duty of thirty-three and a third per centum on the cost of the said cotton piece goods in India, and on the usual addition of twenty per centum on that cost.

Fifth. A duty of thirty per centum ad valorem on umbrellas, parasols, of whatever materials made, and sticks or frames for umbrellas or parasols; bonnets and caps for women, fans, feathers, ornaments for head dresses, artificial flowers, millinery of all sorts; hats or caps of wool, fur, leather, chip, straw or silk; cosmetics, washes, balsams, perfumes; painted floor cloths; mats, of grass or flags; salad oil, pickles, capers, olives, mustard, comfits or sweetmeats, preserved in sugar or brandy; wafers, cabinet wares, and all manufactures of wood; carriages of all descriptions, and parts thereof; leather, and all manufactures of leather, or of which leather is the material of chief value; saddles, bridles, harness; paper of every description, paste-board, paper hangings, blank books, parchment, vellum; brushes, canes, walking sticks, whips; and clothing ready made. And in all cases where an ad valorem duty shall be charged, it shall be calculated on the net cost

of the article at the place whence imported, (exclusive of packages, commissions and all charges,) with the usual addition established by law, of twenty per cent. on all merchandise, imported from places beyond the Cape of Good Hope, and of ten per centum on articles imported from all other places.

Sixth. The following duties, severally and specifically: on ale, beer, and porter, in bottles, fifteen cents per gallon; on ale, beer, and porter, imported otherwise than in bottles, ten cents per gallon; on alum, one dollar per hundred weight; on almonds, three cents per pound; on black glass quart bottles, one hundred and forty-four cents per gross; on boots, one dollar and fifty cents per pair; on bristles, three cents per pound; on playing cards, thirty cents per pack; on tarred cables and cordage, three cents per pound; on untarred cordage, yarns, twine, packthread, and seines, four cents per pound; on tallow candles, three cents per pound; on wax and spermaceti candles, six cents per pound; on Chinese cassia, six cents per pound; on cinnamon, twenty-five cents per pound; on cloves, twenty-five cents per pound; on cheese, nine cents per pound; on chocolate, three cents per pound; on cocoa, two cents per pound; on coal, five cents per heaped bushel; on copperas, one dollar per hundred weight; on copper rods, bolts, spikes or nails, and composition rods, bolts, spikes or nails, four cents per pound; on coffee, five cents per pound; on cotton, three cents per pound; on currants, three cents per pound; on figs, three cents per pound; on foreign caught fish, one dollar per quintal; on mackerel, one dollar and fifty cents per barrel; on salmon, two dollars per barrel, and on all other pickled fish, one dollar per barrel; on window glass, not above eight inches by ten inches in size, two dollars and fifty cents per hundred square feet; on the same, not above ten inches by twelve inches in size, two dollars and seventy-five cents per hundred square feet; on the same, if above ten inches by twelve inches in size, three dollars and twenty-five cents per hundred square feet; on glue, five cents per pound; on gunpowder, eight cents per pound; on hemp, one dollar and fifty cents per hundred weight; on iron or steel wire, not exceeding number eighteen, five cents per pound, and over number eighteen, nine cents per pound; on iron, in bars and bolts, excepting iron manufactured by rolling, forty-five cents per hundred weight; on iron in sheets, rods and hoops, two dollars and fifty cents per hundred weight, and in bars or bolts, when manufactured by rolling, and on anchors, one dollar and fifty cents per hundred weight; on indigo, fifteen cents per pound; on lead, in pigs, bars or sheets, one cent per pound; on shot manufactured of lead, two cents per pound; on red and white lead, dry or ground in oil, three cents per pound; on mace, one dollar per pound; on molasses, five cents per gallon; on nails, three cents per pound; on nutmegs, sixty cents per pound; on pepper, eight cents per pound; on pimento, six cents per pound; on plums and prunes, three cents per pound; on muscatel raisins, and raisins in jars and boxes,

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three cents per pound; on all other raisins, two cents per pound; on salt, twenty cents per bushel of fifty-six pounds; on ochre, dry, one cent per pound, in oil, one and a half cents per pound; on steel, one dollar per hundred weight; on segars, two dollars and fifty cents per thousand; on spirits, from grain, of first proof, forty-two cents per gallon; of second proof, forty-five cents per gallon; of third proof, forty-eight cents per gallon; of fourth proof, fifty-two cents per gallon; of fifth proof, sixty cents per gallon; above fifth proof, seventy-five cents per gallon; on spirits from other materials than grain, of first and second proof, thirty-eight cents per gallon; of third proof, forty-two cents per gallon; of fourth proof, forty-eight cents per gallon; of fifth proof, fifty-seven cents per gallon; above fifth proof, seventy cents per gallon; on shoes and slippers of silk, thirty cents per pair; on shoes and slippers of leather, twenty-five cents per pair; on shoes and slippers for children, fifteen cents per pair; on spikes, two cents per pound; on soap, three cents per pound; on brown sugar, three cents per pound; on white clayed or powdered sugar, four cents per pound; on lump sugar, ten cents per pound; on loaf sugar and on sugar candy, twelve cents per pound; on snuff, twelve cents per pound; on tallow, one cent per pound; on tea, from China, in ships or vessels of the United States, as follows, viz: bohea, twelve cents per pound; souchong and other black, twenty-five cents per pound; imperial, gunpowder, and gomee, fifty cents per pound; hyson and young hyson, forty cents per pound; hyson skin and other green, twenty-eight cents per pound; on teas, from any other place, or in any other than ships or vessels of the United States, as follows, viz: bohea, fourteen cents per pound; souchong and other black, thirty-four cents per pound; imperial, gunpowder, and gomee, sixty-eight cents per pound; hyson and young hyson, fifty-six cents per pound; hyson skin and other green, thirty-eight cents per pound; on manufactured tobacco, other than snuff and segars, ten cents per pound; on whiting and Paris white, one cent per pound; on wine, as follows, viz: on Madeira, Burgundy, Champaign, Rhenish and Tokay, one dollar per gallon; on Sherry and St. Lucar, sixty cents per gallon; on other wine, not enumerated, when imported in bottles or cases, seventy cents per gallon; on Lisbon, Oporto, and on other wines of Portugal, and those of Sicily, fifty cents per gallon; on Teneriffe, Fayal, and other wines of the western islands, forty cents per gallon; on all other wines, when imported otherwise than in cases and bottles, twenty-five cents per gallon; on Russia duck, (not exceeding fifty-two archeens each piece,) two dollars; on ravens duck, (not exceeding fifty-two archeens each piece,) one dollar and twenty-five cents; on Holland duck, (not exceeding fifty-two archeens each piece,) two dollars and fifty cents; on sperm oil, of foreign fishing, twenty-five cents per gallon; on whale and other fish oil, of foreign fishing, fifteen cents per gallon; and on olive oil in casks, at twenty-five cents per gallon.

SEC. 2. *And be it further enacted*, That the

following articles shall be imported into the United States free of duties; that is to say, all articles imported for the use of the United States; philosophical apparatus, instruments, books, maps, charts, statues, busts, casts, paintings, drawings, engravings, specimens of sculpture, cabinets of coins, gems, medals, and all other collections of antiquities, statuary, modelling, painting, drawing, etching, or engraving, specially imported by order and for the use of any society incorporated for philosophical or literary purposes, or for the encouragement of the fine arts, or by order, and for the use of any seminary of learning; specimens in natural history, mineralogy, botany, and anatomical preparations, models of machinery and other inventions, plants, and trees; wearing apparel and other personal baggage in actual use, and the implements or tools of trade of persons arriving in the United States; regulus of antimony, bark of the cork tree, unmanufactured; animals imported for breed; burr stones, unwrought; gold coin, silver coin, and bullion; clay; unwrought copper, imported in any shape for the use of the Mint; copper and brass, in pigs, bars, or plates, suited to the sheathing of ships; old copper and brass, and old pewter, fit only to be remanufactured; tin, in pigs or bars; furs, undressed, of all kinds; raw hides and skins; lapis calaminaris; plaster of Paris; rags of any kind of cloth; sulphur or brimstone; barilla; Brazil wood, brazilletto, red wood, camwood, fustic, logwood, Nicaragua, and other dye woods; wood, unmanufactured, of any kind; zinc, teutenague, or spelter.

SEC. 3. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares, and merchandise, on the importation of which in American or foreign vessels a specific discrimination has not been herein already made, which, after the said thirtieth day of June, one thousand eight hundred and sixteen shall be imported in ships or vessels not of the United States: *Provided*, That this additional duty shall not apply to goods, wares, and merchandise imported in ships or vessels not of the United States, entitled by treaty, or by any act or acts of Congress, to be entered in the ports of the United States, on the payment of the same duties as are paid on goods, wares, and merchandise, imported in ships or vessels of the United States.

SEC. 4. *And be it further enacted*, That there shall be allowed a drawback of the duties, by this act imposed, on goods, wares, and merchandise imported into the United States, upon the exportation thereof within the time, and in the manner prescribed by the existing laws, subject to the following provisions, that is to say: that there shall not be an allowance of the drawback of duties in the case of goods imported in foreign vessels from any of the dominions, colonies, or possessions of any foreign Power, to and with which the vessels of the United States are not permitted to go and trade; that there shall not be an allowance of the drawback of duties for

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the amount of the additional duties by this act imposed on goods imported in vessels not of the United States; that there shall not be an allowance of the drawback in case of foreign dried and pickled fish, and other salted provisions, fish oil, or playing cards; that there shall be deducted and retained from the amount of the duties on goods exported, with the benefit of drawback, (other than spirits,) two and a half per centum; and that there shall be retained in the case of spirits exported with the benefit of drawback, two cents per gallon upon the quantity of spirits, and also three per centum on the amount of duties payable on the importation thereof. But, nevertheless, the provisions of this act shall not be deemed in any wise to impair any rights and privileges which have been or may be acquired by any foreign nation, under the laws and treaties of the United States, upon the subject of exporting goods from the United States, with a benefit of the drawback of the duties payable upon the importation thereof.

Sec. 5. And be it further enacted, That after the thirtieth day of June next, in all cases of entry of merchandise for the benefit of drawback, the time of twenty days shall be allowed from the date of the entry for giving the exportation bonds for the same: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of exportation for the benefit of drawback.

Sec. 6. And be it further enacted, That the duty on the tonnage of vessels, and the bounties, advances, and drawbacks, in the case of exporting pickled fish, of the fisheries of the United States, in the case of American vessels employed in the fisheries, and in the case of exporting sugar, refined within the United States, shall be and continue the same as the existing law provides. *Provided always*, That this provision shall not be deemed in anywise to impair any rights and privileges, which have been, or may be acquired by any foreign nation, under the laws and treaties of the United States, relative to the duty of tonnage on vessels.

Sec. 7. And be it further enacted, That the existing laws shall extend to, and be in force for the collection of the duties imposed by this act, on goods, wares, and merchandise, imported into the United States; and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures; and for the allowance of the drawbacks and bounties by this act authorized, as fully and effectually as if every regulation, restriction, penalty, forfeiture, provision, clause, matter, and thing, in the existing laws contained, had been inserted in, and re-enacted by this act. And that all acts, and parts of acts, which are contrary to this act, and no more, shall be, and the same are hereby, repealed.

Sec. 8. And be it further enacted, That the act passed the third day of March, one thousand eight hundred and fifteen, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods,

wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States," shall apply and be in full force as to the discriminating duties established by this act on the tonnage of foreign vessels, and the goods, wares, and merchandise therein imported.

Approved, April 27, 1816.

An Act for the relief of certain owners of goods, entered at Hampden, in the district of Maine.

Be it enacted, &c., That on the trial of any information, libel, or other suit for the forfeiture or condemnation of goods and merchandise, which between the twenty-fifth day of October, and the thirty-first day of December, in the year one thousand eight hundred and fourteen, were entered at Hampden, in the district of Maine, and have been since seized as imported or entered contrary to law, all claims to forfeiture and condemnation be, and hereby are released, arising from want of lawful authority, to enter and deliver said goods at Hampden, or from the illegality of importing the said goods into Orrington, or depositing them there, or from the illegality of trading between Orrington and Hampden, in a neutral vessel not licensed for the coasting trade. *Provided*, That the claimants of the goods and merchandise so entered as aforesaid shall pay and satisfy all the reasonable expenses and charges attending the seizure and keeping thereof, and all the expenses, costs, and charges of prosecuting the informations, libels, and suits instituted against the same, to be taxed by the court in which final judgments shall be rendered against the respective claimants, whether the final judgments shall be in favor of the claimants respectively or against them.

Approved, April 27, 1816.

An Act to fix the commissions of the collectors of the direct tax and internal duties, and to revive and continue in force "An act further to provide for the collection of duties on imports and tonnage."

Be it enacted, &c. That the collectors of the direct tax and internal duties shall be allowed, in lieu of the commissions allowed by any existing law, in each calendar year, the following commissions upon moneys accounted for and paid by them into the Treasury, from and after the thirty-first day of December, one thousand eight hundred and fifteen—that is to say: Six per centum upon all sums until the same shall amount to forty thousand dollars; three per centum upon all sums above forty thousand, until the same shall amount to one hundred thousand dollars; and two per centum upon all sums above one hundred thousand dollars: *Provided*, That the entire amount of commissions allowed during such year in any collection district shall not, exclusive of the commission allowed to the collectors designated by the Secretary of the Treasury to receive the lists of taxes due on the property of non-resi-

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dents, exceed five thousand dollars: *And, provided*, That the said allowance exceeding five thousand dollars shall be made only in the calendar years in which the collector shall have receipted for the lists of taxes.

SEC. 2. *And be it further enacted*, That all the provisions of the act "to fix the compensations and increase the responsibility of the collectors of the direct tax and internal duties, and for other purposes, connected with the collection thereof," passed the third of March, one thousand eight hundred and fifteen, excepting those contained in the first section thereof, be, and the same are hereby, continued in force.

SEC. 3. *And be it further enacted*, That the act, entitled "An act to provide further for the collection of duties on imports and tonnage, passed on the third day of March, one thousand eight hundred and fifteen, be, and the same is hereby, revived and made of force until the end of the next session of Congress, and no longer.

Approved, April 27, 1816.

An Act making appropriations for repairing certain roads therein described.

Be it enacted, &c., That the sum of ten thousand dollars be, and the same is hereby, appropriated, and payable out of any moneys in the Treasury not otherwise appropriated, for the purpose of repairing and keeping in repair the road between Columbia, on Duck river, in the State of Tennessee, and Madisonville, in the State of Louisiana, by the Choctaw agency; and also the road between Fort Hawkins, in the State of Georgia, and Fort Stoddart; under the direction of the Secretary of War.

Approved, April 27, 1816.

An Act authorizing the payment of a sum of money to John Rogers and others.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of three hundred dollars to John Rogers, William C. Burdick, Joshua Hall, and Jeremiah Chapman, of New London, in the State of Connecticut; which money is paid to them for their valor and good conduct, in capturing a midshipman and two seamen of the British navy, and as compensation for the said prisoners.

Approved, April 27, 1816.

An Act confirming the titles of certain purchasers of land who purchased from the Board of Trustees of the Vincennes University.

Be it enacted, &c., That the several persons who purchased land in township numbered two, south of range numbered eleven west, in the district of Vincennes, from the Board of Trustees for the Vincennes University, which was incorporated by an act of the Legislature of the Indiana Territory, entitled "An act to incorporate a University in the Indiana Territory," passed the

twenty-ninth day of November, one thousand eight hundred and six, be, and they are hereby, confirmed in their titles in fee simple, respectively.

Approved, April 27, 1816.

An Act providing for the distribution of one hundred thousand dollars among the captors of the Algerine vessels captured and restored to the Dey of Algiers.

Be it enacted, &c., That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated, and distributed in the same proportions and under the same regulations as prize-money is now by law directed to be distributed, among the captors of the Algerine vessels, captured by the American squadron, under the command of Commodore Decatur, and afterwards restored to the Dey of Algiers.

Approved, April 27, 1816.

An Act making appropriations for rebuilding light-houses, and for completing the plan of lighting them, according to the improvements of Winslow Lewis, for placing beacons and buoys, for preserving Little Gull Island, and for surveying the coast of the United States.

Be it enacted, &c., That the sums hereinafter mentioned be, and the same are hereby, appropriated for the following purposes, to wit: For rebuilding the light-house on Point Judith, Rhode Island, seven thousand five hundred dollars. For completing the fitting up of all the light-houses with Winslow Lewis's improvements, in addition to the sums heretofore appropriated for that purpose, sixteen thousand dollars. For the construction of works deemed necessary for the preservation of Little Gull island, thirty thousand dollars. For rebuilding the light-house on New Point Comfort, Virginia, seven thousand dollars. For rebuilding the light-house on Baker's island, Massachusetts, four thousand dollars. For the following objects, being the balances of former appropriations for the same purposes, carried to surplus fund: For erecting light-houses at the mouth of the Mississippi, and at or near the pitch of Cape Lookout, North Carolina, thirty-four thousand nine hundred and ninety-five dollars. For rebuilding a light-house at Naushawn island, near Tarpaulin Cove, Massachusetts, two thousand four hundred and seventy-five dollars. For erecting a beacon and placing buoys near the entrance of Savannah river, two thousand four hundred and ninety-four dollars and eighty-five cents. For placing buoys and beacons at or near the entrance of the harbor of Beverly, Massachusetts, three hundred and forty-one dollars and ninety-five cents. For erecting two lights on Lake Erie, to wit: at or near Bird island, and on or near Presque Isle, one thousand five hundred and ninety dollars. For placing beacons and buoys on Georgetown bar, and in Winyaw Bay, South Carolina, one thousand five hundred dollars. For rebuilding the Baldhead light-house

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in North Carolina, fifteen thousand dollars. For defraying the expense of surveying the coast of the United States, fifty-four thousand seven hundred and twenty dollars and fifty-seven cents. For repairing piers in the harbor of Newburyport, Massachusetts, a sum not exceeding seven hundred dollars: *Provided*, That the jurisdiction of the site where such piers are erected shall be first ceded to the United States.

Approved, April 27, 1816.

An Act to authorize the building of three light-houses, viz: one on Race Point, one on Point Gammon, and one on the island of Petite Manon, in the State of Massachusetts.

Be it enacted, &c., That as soon as a cession shall be made by the State of Massachusetts to the United States, of the jurisdiction over the land sufficient for the purpose, the Secretary of the Treasury shall be, and he is hereby, authorized to provide, by contract, to be approved by the President of the United States, for building three light-houses, viz: one on Race Point, one on Point Gammon, in the town of Yarmouth, and one on the island called Petite Manon, near Naraguages river, in the State of Massachusetts; and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the persons who shall be appointed by the President for the superintendence and care of the same; and the President shall be authorized to make the said appointments.

SEC. 2. And be it further enacted, That the sum of eight thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes aforesaid, and also for purchasing such lots of land as shall be required for the erection of the said light-houses, and other buildings necessarily connected therewith.

SEC. 3. And be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized to cause the light of Scituate light-house to be extinguished, should the extinguishment thereof be deemed expedient for the safety of the navigation on that coast.

Approved, April 27, 1816.

An Act to authorize the sale of lands forfeited to the United States, in the district of Jeffersonville, at the land office in said district.

Be it enacted, &c., That the register and receiver of the land office for the district of Jeffersonville be, and they are hereby, authorized to expose to public sale, to the highest bidder, at the land office aforesaid, any tract or tracts of land which may hereafter become forfeited to the United States for non-payment, under such terms and conditions as are, or may be, prescribed by law.

SEC. 2. And be it further enacted, That so much of any former act of Congress as requires the register and receiver of the district aforesaid to expose to public sale, at the court-house of the county in which the said land office is established,

any tract or tracts of land which may become forfeited to the United States for non-payment, be, and the same is hereby, repealed.

Approved, April 27, 1816.

An Act for the relief of George T. Ross, Daniel T. Patterson, and the officers and men lately under their command.

Be it enacted, &c., That so much of the net proceeds of the forfeitures and penalties, not exceeding fifty thousand dollars, as has accrued to the United States by the condemnation and sale of the vessels and their cargoes, which were taken near the island of Barrataria, on the western coast of Louisiana, on the sixteenth day of September, one thousand eight hundred and fourteen, by a land and naval force, under the command of Colonel George T. Ross and Captain Daniel T. Patterson, and which were condemned and sold by order of the district court of the United States for the Orleans district, for violation of laws of the United States, be, and the same are hereby, given up and relinquished in favor of the said George T. Ross and Daniel T. Patterson, the amount of the said net proceeds of the said sales, not exceeding fifty thousand dollars, out of any money in the Treasury not otherwise appropriated, to be distributed among the land and naval forces employed in the capture of the said vessels, in such proportions, and under such regulations, as the Secretaries of the War and Navy, with the approbation of the President, shall prescribe and determine.

Approved, April 27, 1816.

An Act providing for cases of lost military land warrants, and discharges for faithful services.

Be it enacted, &c., That when any soldier of the regular army having obtained a military land warrant shall have lost, or shall hereafter lose the same, or the said warrant shall have been or may be by accident destroyed, every such soldier shall, upon proof thereof, to the satisfaction of the Secretary of War, be entitled to a patent, in like manner as if the said warrant was produced.

SEC. 2. And be it further enacted, That in all cases of discharges from the military service of the United States of any soldier of the regular army, when it shall appear to the satisfaction of the Secretary of War that a certificate of faithful services has been omitted, by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it shall be proven, as aforesaid, that any soldier of the regular army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier of the regular army as will entitle him to his land warrant and patent: *Provided*, Such measure be justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

Approved, April 27, 1816.

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An Act for the relief of Thomas Farrer, William Young, William Moseley, and William Leech.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle the claims of Thomas Farrer, William Young, William Moseley, and William Leech, assistant marshals, appointed to take the census, and an account of the manufactures in South Carolina, in the year one thousand eight hundred and ten, and to allow them, in the settlement thereof, such compensation as may be adequate to the services which they performed in the capacity aforesaid.

SEC. 2. *And be it further enacted,* That the amount thereof, when so ascertained, shall be paid to the said Thomas Farrer, William Young, William Moseley, and William Leech, out of any money in the Treasury not otherwise appropriated.—Approved, April 27, 1816.

An Act providing an additional compensation to the district judge of the southern district of New York.

Be it enacted, &c., That there be paid to the district judge of the southern district of the State of New York, out of any moneys in the Treasury not otherwise appropriated, the sum of one thousand five hundred dollars, for a compensation for his services in holding the courts of the United States, in the northern district of said State.

Approved, April 27, 1816.

An Act to enable the Levy Court of the county of Alexandria to lay a tax for the purpose of defraying the expense of erecting a jail and court-house.

Be it enacted, &c., That it shall and may be lawful for the levy court of the county of Alexandria, in the District of Columbia, to raise, by a tax upon the taxable inhabitants of the said county, a sum sufficient to defray the expense of building a jail and court-house, for the said county, which sum shall be appropriated to the erection of such buildings accordingly, under the direction of the said court.

Approved, April 27, 1816.

An Act to authorize the surveying and making a road in the Territory of Illinois.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three commissioners, who shall explore, survey, and mark in the most eligible course, a road from Shawanee town, on the Ohio river, to the United States saline, and to Kaskaskia, in the Illinois Territory; and said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approves of said survey, shall cause the plats thereof to be deposited in the office of the Treasury of the United States, and the said road shall be considered as established and accepted.

SEC. 2. *And be it further enacted,* That the said road shall be opened and made under the

direction of the President of the United States, in such manner as he shall direct.

SEC. 3. *And be it further enacted,* That the said commissioners shall each be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day which they shall be necessarily employed in the exploring, surveying, and marking said road; and for the purpose of compensating the aforesaid commissioners and their assistants, and opening and marking said road, there shall be, and hereby is, appropriated the sum of eight thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 27, 1816.

An Act for the relief of Taylor and McNeal, Evans and McNeal, and Henry and John McCleester.

Be it enacted, &c., That the proper accounting officers of the War Department be, and they are hereby, authorized and directed to audit and settle the claim of Taylor and McNeal, Evans and McNeal, and Henry and John McCleester, for the use of their scows, applied under the authority of the United States, for the purpose of making a temporary bridge over the basin at Baltimore, in the month of September, one thousand eight hundred and fourteen, and to allow them, in the settlement thereof, such compensation as may be reasonable and just for the use aforesaid.

SEC. 2. *And be it further enacted,* That the amount thereof, when so ascertained, shall be paid to the said Taylor and McNeal, Evans and McNeal, and Henry and John McCleester, out of any money in the Treasury not otherwise appropriated.

Approved, April 27, 1816.

An Act providing for the sale of the tract of land, at the British fort at the Miami of the Lake, at the foot of the Rapids, and for other purposes.

Be it enacted, &c., That so much of the tract of land of twelve miles square, at the "British fort of the Miami of the Lake, at the foot of the Rapids," ceded by the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Patawatamies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias tribes of Indians, to the United States, by the treaty of Greenville, of the third of August, one thousand seven hundred and ninety-five, shall, under the direction of the Surveyor General, be laid off into town lots, streets, and avenues, and into out lots, in such manner, and of such dimensions, as he may judge proper: *Provided,* The tract so to be laid off shall not exceed the quantity of land contained in two entire sections, nor the town lots one-quarter of an acre each. When the survey of the lots shall be completed, a plat thereof shall be returned to the Surveyor General, on which town lots and out lots shall, respectively, be designated, by progressive numbers, who shall cause two copies to be made, one to be transmitted, with a copy of the field notes, to the Commissioner of the Gen-

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eral Land Office, and the other to the register of the land office at Wooster.

Sec. 2. *And be it further enacted,* That, previously to the disposal at public sale of the before mentioned tract of land, the Surveyor General shall, and he is hereby directed to resurvey, and mark the exterior lines of the said tract, conformably to the survey made in December, one thousand eight hundred and five, by virtue of the act of the third of March, one thousand eight hundred and five, and also to cause divisional lines to be run through each section and fractional section binding on the said river, so that each subdivision may contain, as nearly as may be, one hundred and sixty acres each. And in like manner to cause the "Great island," lying at the foot of the rapids, in the said river, to be surveyed, and by lines, running north and south, to divide the same, as nearly as may be, into six equal parts; that is to say, that part of the said island, described in the survey of the said cession, as lying in township number three, in four parts; and that part of the said island lying in township number four, into two parts: *Provided,* That in running the subdivisional lines no interference shall be made affecting or impairing the rights of persons to whom letters patent have been granted for land lying within the limits of the said twelve miles square, nor affecting the selection or location hereafter to be made under the direction of the Secretary of War, for military purposes: *Provided also,* That in no case, shall the subdivisional lines be so run as to extend to, or embrace the bed of the river, which shall be deemed, and is hereby declared to be, a public highway: *And provided also,* That the whole expense of resurveying and marking the exterior lines of the said cession and of the subdivisional lines of the sections, lying adjacent to the river, shall not exceed three dollars for every mile actually surveyed, re-surveyed, and marked, by virtue of this and the preceding section.

Sec. 3. *And be it further enacted,* That all the land contained within the aforesaid cession of twelve miles square, not excepted by virtue of any section of this act, shall, with the exception of number sixteen, which shall be reserved in each township, for the support of schools within the same, and with the exception also of the salt springs and land reserved for the use of the same, be offered for sale to the highest bidder, at Wooster, in the State of Ohio, under the direction of the register and receiver of the land office, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sale for the quarter sections, fractional quarter sections, and of the town lots and out lots, shall remain open at Wooster, for seven days and no longer. The quarter sections, and fractional quarter sections, shall not be sold for less than two dollars an acre; the in lots for less than twenty dollars each, nor any out lots for less than at the rate of five dollars per acre; and shall, in every other respect, be sold on the same terms and conditions as have been or may be, by law, provided for the lands sold

north of the Ohio river, and above the mouth of Kentucky river. All the lands other than the reserved sections and those excepted as abovementioned, remaining unsold at the closing of the public sales, may be disposed of at private sale, by the register of the land office at Wooster, agreeably to the provisions of this act, and in the same manner, under the same regulations and conditions, as are or may be provided by law for the sale of the lands of the United States north of the Ohio river, and above the mouth of Kentucky river. And patents may be obtained for all lands granted or sold within the said cession, in the same manner, and on the same terms, as are or may be provided by law for land sold in the State of Ohio. The superintendents of the public sales, directed by this section, shall receive four dollars each, for each day's attendance on the said sale.

Approved, April 27, 1816.

An Act for the relief of Charles Ross and Samuel Breck, surviving executors of John Ross, deceased.

Be it enacted, &c., That the commissioner to be appointed by virtue of an act of Congress, passed at the present session, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," be, and he is hereby, authorized to audit and settle the claim of Charles Ross and Samuel Breck, surviving executors of John Ross, deceased, by ascertaining or causing to be ascertained, in the manner prescribed in the aforesaid act, the amount of damages which they have sustained, in consequence of the occupation, by the troops of the United States, of Point Petre, in the State of Georgia, in the loss of the rent of the farm attached thereto, the destruction of the buildings, and of the wood, and other fuel thereon.

Sec. 2. *And be it further enacted,* That the amount thereof, when so ascertained, shall be paid to the said Charles Ross and Samuel Breck, executors aforesaid, out of any money in the Treasury not otherwise appropriated.

Approved, April 27, 1816.

An Act concerning the annual sum appropriated for arming and equipping the militia.

Be it enacted, &c., That the annual sum of two hundred thousand dollars, as appropriated for the purpose of providing arms and military equipments for the militia, either by purchase or manufacture, according to the act of the twenty-third of April, one thousand eight hundred and eight, entitled "An act making provision for arming and equipping the whole body of the militia of the United States," shall be paid, for each year, respectively, out of any moneys in the Treasury not otherwise appropriated.

Sec. 2. *And be it further enacted,* That the sum appropriated, to be paid as aforesaid, shall be applied for the purpose, and according to the intention specified in said act, without being liable at any time to be carried to the account of the surplus fund. And nothing in the act of the third of

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March, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," shall be construed to authorize the transferring of the sum annually appropriated as aforesaid, or any portion thereof, to any other branch of expenditure.

Approved, April 29, 1816.

An Act for the relief of Menassah Miner and Isaac Denison.

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to pay to Menassah Miner the sum of three hundred and three dollars and seventy-four cents, and to Isaac Denison the sum of two hundred and fifty-five dollars and ninety-two cents, out of any money in the Treasury, not otherwise appropriated, for services rendered and expenses incurred by said Menassah in providing for his son John Miner, and for like services and expenditures rendered and incurred by Isaac Denison in providing for his son Frederick Denison, while they were diseased by wounds received by them in the service of the United States in defence of Stonington Point, in the year one thousand eight hundred and fourteen.

Approved, April 29, 1816.

An Act for reducing the licenses to retailers of wines, spirituous liquors, and foreign merchandise.

Be it enacted, &c., That, from and after the thirty-first day of December next, the additional duties laid on licenses to retailers of wines, spirituous liquors and foreign merchandise, by the third section of the act, entitled "An act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying duties on sales at auction, and on licenses to retail wines, spirituous liquors, and foreign merchandise, and for increasing the rates of postage," passed on the twenty-third day of December, one thousand eight hundred and fourteen, shall cease and determine; and in case of any application for a license to retail, between the thirtieth day of June and the first day of January next, a license therefor shall, agreeably to the present rates of duty, be granted, to expire on the thirty-first of December next, on paying to the collector a sum which shall bear the same proportion to the duty for a year by the existing rates as the time for which the license may be granted shall bear to a year; and for neglect or failure to obtain such license, the same penalty shall be incurred, to be recovered in like manner as for the neglect or failure to obtain a license under the act, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," passed on the second of August, one thousand eight hundred and thirteen: *Provided,* That after the first day of January next, no retailer of imported salt alone, whose stock in trade shall not exceed one hundred dollars, shall be compelled

to take out a license for retailing the same, nor be liable to any penalty or forfeiture for failing to do so.

Approved, April 29, 1816.

An Act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces.

Be it enacted, &c., That, from the passage of this act, and for three years thereafter, and no longer, the following gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, *videlicet:* the gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every seventy-seven grains, or eighty-eight cents and eight-ninths per pennyweight; the gold coins of France, of their present standard, at the rate of one hundred cents for every twenty-seven and a half grains, or eighty-seven and a quarter cents per pennyweight; the gold coins of Spain, at the rate of one hundred cents for every twenty-eight and a half grains, or eighty-four cents per pennyweight; the crowns of France, at the rate of one hundred and seventeen cents and six-tenths, per ounce, or one hundred and ten cents for each crown weighing eighteen pennyweights and seventeen grains; the five franc pieces, at the rate of one hundred and sixteen cents per ounce, or ninety-three cents and three mills for each five franc piece, weighing sixteen pennyweights and two grains.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to cause assays of the foregoing gold and silver coins, made current by this act, to be had at the Mint of the United States, at least once in every year; and to make report of the result thereof to Congress.

Approved, April 29, 1816.

An Act for the gradual increase of the Navy of the United States.

Be it enacted, &c., That, for the gradual increase of the Navy of the United States, the sum of one million of dollars per annum, for eight years, is hereby appropriated, including the sum of two hundred thousand dollars per annum, for three years, or the unexpended balance thereof, appropriated by an act approved on the third day of March, one thousand eight hundred and fifteen, entitled "An act concerning the Naval establishment."

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, to cause to be built nine ships, to rate not less than seventy-four guns each, and twelve ships, to rate not less than forty-four guns each, including one seventy-four and three forty-four gun ships, authorized to be built by an act bearing date on the second day of January, one

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thousand eight hundred and thirteen, entitled "An act to increase the Navy of the United States;" and, in carrying this act into effect, the President shall be, and he is hereby authorized, as soon as the timber and other necessary materials are procured, and the timber properly seasoned, to cause the said ships to be built and equipped; or, if in his judgment, it will more conduce to the public interest, he may cause the said ships to be framed and remain on the stocks, and kept in the best state of preservation, to be prepared for service in the shortest time practicable, when the public exigency may require them.

SEC. 3. *And be it further enacted*, That, for the defence of the ports and harbors of the United States, the President shall be, and he is hereby, authorized to cause to be procured the steam engines, and all the imperishable materials necessary for building and equipping three steam batteries, on the most approved plan, and best calculated for the waters in which they are to act; and such materials shall be secured in the best manner, to insure the completing such batteries in the shortest time practicable, when they, or either of them, in the opinion of the President, may be required for the public service; and the President is further authorized to cause to be completed and kept in the best state of preservation, the block ship now on the stocks, near New Orleans.

SEC. 4. *And be it further enacted*, That the moneys appropriated by this act shall not be transferred to any other object of expenditure, nor shall any part thereof be carried to the fund denominated "the surplus fund."

Approved, April 29, 1816.

An Act supplementary to an act making alterations in the Treasury and War Departments, passed the eighth day of May, 1792.

Be it enacted, &c., That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, an additional Accountant of the Department of War, whose duty it shall be to adjust and settle all the accounts in that Department existing at the conclusion of the late war and are now unsettled. In the execution of this duty he shall conform to the regulations which govern the Accountant of the War Department, and shall receive the same compensation for his services and be entitled to the same privileges of franking.

SEC. 2. *And be it further enacted*, That for defraying the expenses of clerks to be employed under his direction, and for the payment of his salary, the sum of eight thousand eight hundred and seven dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That this act shall continue in force for one year from the passing thereof, and to the end of the next session of Congress thereafter, and no longer.

Approved, April 29, 1816.

An Act to establish a land district in Illinois Territory, north of the district of Kaskaskia.

Be it enacted, &c., That so much of the public lands of the United States, heretofore included within the land district of Kaskaskia, and lying north of the base line in Illinois Territory, shall form a new land district, for the disposal of the said lands, and for which purpose a land office shall be established at Edwardsville, Madison county, under the direction of the register of the land office and receiver of public moneys to be appointed for that purpose, who shall reside at the place, give security in the same manner and in the same sums, and whose compensation, emoluments, duties and authority shall, in every respect, be the same in relation to the lands which shall be disposed of at their office, as are or may be by law provided in relation to the registers and receivers of public moneys in the several offices, established for the disposal of the lands of the United States northwest of the river Ohio.

SEC. 2. *And be it further enacted*, That the said lands shall be disposed of in the same manner, and on the same terms and conditions, as are or may be provided by law for the sale of public lands in the district of Kaskaskia; provided that no tract of land, excepted from the sale by virtue of any former act, shall be sold by virtue of this act.

Approved, April 29, 1816.

An Act to increase the compensation of the superintendents of the manufactories of arms, at Springfield and Harper's Ferry.

Be it enacted, &c., That in addition to the pay and rations, as at present fixed, of the superintendents of the manufactories of arms, at Springfield and Harper's Ferry, they shall receive thirty dollars per month, and one ration per day.

Approved, April 29, 1816.

An Act authorizing the Judges of the Circuit Court, and the Attorney for the District of Columbia, to prepare a code of jurisprudence for the said District.

Be it enacted, &c., That the judges of the circuit court, and the attorney of the District of Columbia, be, and they are hereby, authorized to prepare and digest a code of jurisprudence, both civil and criminal, for the said District, to be hereafter submitted to the Congress of the United States, to be modified, altered, or adopted, as to them shall seem proper.

SEC. 2. *And be it further enacted*, That the sum of one thousand five hundred dollars be, and the same is hereby, appropriated, to be paid to the said judges and the attorney aforesaid, as a compensation for their services in this respect, out of any money in the Treasury, not otherwise appropriated.

Approved, April 29, 1816.

An Act authorizing payment for prisoners captured by private armed vessels.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and re-

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quired to settle and pay unto the owners, officers, and crews of private armed vessels, the bounty allowed by law for the prisoners captured and brought into port, and delivered to the agent of the United States, captured on board any British vessel after the exchange of the ratifications of the treaty of peace between the United States and Great Britain, but before the said treaty took effect in the latitude wherein the capture was made; and the Secretary of the Treasury is hereby authorized to pay the aforesaid claims out of any moneys in the Treasury, not otherwise appropriated.

Approved, April 29, 1816.

An Act for settling the compensation of the commissioners, clerk, and translator of the board for land claims in the eastern and western district for the Territory of Orleans, now State of Louisiana.

Be it enacted, &c., That the proper accounting officers of the Treasury, in settling the accounts for compensation to the commissioners, the clerk and translator of the board for adjusting the titles and claims to lands in the eastern and western district of the Territory of Orleans, now State of Louisiana, shall allow to them, respectively, for the time they were actually employed in discharge of the duties aforesaid, at the rate of the following annual compensation: to each of the commissioners, two thousand dollars; to the clerk, one thousand five hundred dollars; and to the translator, one thousand dollars; which allowance shall commence, for the commissioners, clerk, and translator for the eastern district, on the first of July, one thousand eight hundred and nine, and continue until the first day of May, one thousand eight hundred and eleven, and for the commissioners, clerk, and translator for the western district, on the first day of January, one thousand eight hundred and eleven, and continue until the eleventh day of May, one thousand eight hundred and fifteen, and shall include the moneys they may have received, or are entitled to, according to the existing laws, and shall be in full for all service rendered by them in relation to the lands within the said district.

Approved, April 29, 1816.

An Act making an appropriation for enclosing and improving the public square near the Capitol; and to abolish the office of Commissioners of the Public Buildings, and of Superintendent, and for the appointment of one Commissioner of the Public Buildings.

Be it enacted, &c., That a sum not exceeding thirty thousand dollars be, and the same is hereby, appropriated, to be applied under the direction of the President of the United States, to enclosing and improving the public square, east of the Capitol, which sum shall be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted,* That so much of any act or acts as authorizes the appointment of three commissioners, for the superintendence of the public buildings, be, and the

same is hereby, repealed; and in lieu of the said commissioners, there shall be appointed, by the President of the United States, by and with the advice and consent of the Senate, one Commissioner, who shall hold no other office under the authority of the United States, and who shall perform all the duties with which the said three commissioners were charged, and whose duty it shall also be to contract for, and superintend the enclosing and improvements of the public square, under the direction of the President of the United States.

SEC. 3. *And be it further enacted,* That there shall be allowed to the said Commissioner a salary of two thousand dollars, to be paid quarterly, out of any moneys in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That it shall be the duty of such persons as may have been appointed to superintend the repairing of the public buildings, to deliver up unto the Commissioner who shall be appointed in virtue of this act, all plans, draughts, books, records, accounts, contracts, bonds, obligations, securities, and other evidence of debt in their possession, which belong to their offices.

SEC. 5. *And be it further enacted,* That, from and after the third day of March next, the office of superintendent, established by act of Congress of first May, one thousand eight hundred and two, shall cease, and thereafter the duties of said office shall be performed by the Commissioner to be appointed by virtue of this act; and to whom the superintendent shall deliver all documents, securities, books, and papers, relating to said office; and from and after the third day of March next, the Commissioner aforesaid shall be vested with all the powers and perform all the duties conferred upon the superintendent aforesaid.

SEC. 6. *And be it further enacted,* That the President of the United States be, and hereby is, authorized and empowered, in repairing the public buildings in the City of Washington, to make such alterations in the plans thereof, respectively, as he shall judge proper, for the better accommodation of the two Houses of Congress, the President of the United States, and the various departments of the Government, or any of them.

Approved, April 29, 1816.

An Act to provide for the appointment of a surveyor of the public lands in the Territories of Illinois and Missouri.

Be it enacted, &c., That a surveyor of the lands of the United States in the Territories of Illinois and Missouri shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors as his deputies, and to cause so much of the land abovementioned as the President of the United States shall direct, and to which the titles of the Indian tribes have been extinguished, to be surveyed and divided in the manner, and to do and perform all such other acts in relation to such lands, as the Surveyor General is authorized and directed to do, in rela-

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tion to the same, or the lands lying northwest of the river Ohio: and it shall also be the duty of the surveyor to cause to be surveyed the lands in the said Territories, the claims to which have been, or hereafter may be, confirmed by any act of Congress, which have not already been surveyed according to law; and generally to do and perform all and singular the duties required by law to be performed by the principal deputy surveyor for the Territory of Missouri; and shall transmit to the registers of the land offices within the said Territories, respectively, general and particular plats of all the lands surveyed, or to be surveyed, and shall also forward copies of said plats to the Commissioner of the General Land Office; fix the compensation of the deputy surveyors, chain carriers and axemen: *Provided*, That the whole expense of surveying and marking the lines shall not exceed three dollars for every mile that shall be run, surveyed, and marked.

Sec. 2. *And be it further enacted*, That the surveyor of the lands of the United States, appointed in pursuance of this act, shall be allowed an annual compensation of one thousand dollars, and shall be entitled to receive from individuals the following fees: that is to say, for recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey, and for a certified copy of a plat of a survey in his office twenty-five cents, and that all the plats of surveys, and all other papers and documents pertaining, or which did pertain to the office of the Surveyor General under the Spanish Government within the limits of the Territory of Missouri, or to the office of principal deputy surveyor for said Territory, or pertaining to the office of Surveyor General, or to any office heretofore established or authorized for the purpose of executing or recording surveys of lands within the limits of the Territories of Missouri and Illinois, shall be delivered to the surveyors of the lands of the United States, authorized to be appointed by this act; and any plat of survey duly certified by the said surveyor shall be admitted as evidence in any of the courts of the United States or Territories thereof.

Sec. 3. *And be it further enacted*, That so much of the act entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes," passed February twenty-eighth, one thousand eight hundred and six, as provides for the appointment of a principal deputy surveyor, and so much of any act of Congress heretofore passed, as is repugnant to, or inconsistent with, any provision of this act, be, and the same is hereby, repealed.

Approved, April 29, 1816.

An Act making appropriations for carrying into effect a treaty between the United States and the Cherokee tribe of Indians, concluded at Washington, on the twenty-second day of March, one thousand eight hundred and sixteen.

Be it enacted, &c., That, for the purpose of carrying into effect a treaty between the United

States and the Cherokee nation of Indians, concluded and signed at Washington, on the twenty-second day of March, one thousand eight hundred and sixteen, the sum of twenty-eight thousand six hundred dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 29, 1816.

An Act providing for the sale of certain lands in the State of Ohio, formerly set apart for refugees from Canada and Nova Scotia.

Be it enacted, &c., That such part of the tract of land which was set apart for refugees from Canada and Nova Scotia, by the act of Congress, passed the eighteenth day of February, one thousand eight hundred and one, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia," which has not been located by the said refugees, shall be attached to, and made a part of the land district of Chillicothe; and the said unlocated land shall be offered for sale to the highest bidder, under the direction of the register of the land office and of the receiver of public moneys for the said district, at Chillicothe, on such day as shall, by proclamation of the President of the United States, be designated for that purpose; the sale shall remain open six days, and no longer; the lands shall not be sold for less than two dollars an acre, and shall in every other respect be sold in tracts of the same size, and on the same terms and conditions as have been or may be provided for lands in the said district. All the said unlocated land, remaining unsold at the close of the public sales, may be disposed of at private sale by the register of the said land office, in the same manner, under the same regulations, for the same price, and on the same terms as are or may be provided by law for the sale of lands in the said district; and patents shall be obtained in the same manner, and on the same terms, as for other public lands in the said district.

Sec. 2. *And be it further enacted*, That the superintendents of the public sales directed by this act shall each receive four dollars a day for each day's attendance on the said sales.

Approved, April 29, 1816.

An Act supplemental to the act, entitled "An act regulating and defining the duties of the Judges of the Territory of Illinois," and for vesting in the courts of the Territory of Indiana a jurisdiction in chancery cases, arising in the said Territory.

Be it enacted, &c., That when a new county shall be established in the Territory of Illinois, by the Legislature thereof, such new county shall be attached to the judicial circuit from which the largest portion thereof is taken; and it shall be the duty of the judges allotted to such circuit, in pursuance of the act to which this is a supplement, to hold courts in such new county twice in each year, at such time and place as the Legislature of the Territory may designate.

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Sec. 2. And be it further enacted, That when any judge in the said Territory shall be unable to hold the courts within the circuit to which he is allotted, by reason of any disability, it shall be the duty of the judge allotted to the circuit nearest thereto, to hold the courts in such circuit, until the disability of the judge allotted to the circuit shall be removed, or (in case of the death or resignation of a judge) until a successor is appointed.

Sec. 3. And be it further enacted, That the judge of any circuit within the said Territory shall have power to appoint a clerk to each court within his court, (circuit,) and to fill any vacancy occasioned by the death or resignation of the clerk.

Sec. 4. And be it further enacted, That when any person charged with felony shall be committed to prison, in any county within the Territory aforesaid, it shall be lawful for the Governor of the Territory to issue his writ, directed to the judge allotted to the circuit including the county where such accused person may be committed, commanding him to hold a court of oyer and terminer, for the trial of the accused; and it shall be the duty of the judge to whom such writ is directed, to hold the court at the court-house of the county at such time as may be specified in such writ; and all process issued, or proceedings had before the writ shall be issued, shall be returned to the said court of oyer and terminer.

Sec. 5. And be it further enacted, That this act, and the act to which this is supplemental, shall be and remain in force until the end of the next session of the Legislature of the said Territory, and no longer; and the Legislature of the said Territory shall have power and authority to make laws in all cases, for the good government of the Territory aforesaid, not repugnant to the principles and articles of the ordinances, and to organize the courts of the said Territory, and prescribe the times and places of their session.

Sec. 6. And be it further enacted, That the General Court of the Territory of Indiana be, and it is hereby, authorized and empowered to exercise chancery powers as well as a common law jurisdiction, under such regulations as the Legislature of said Territory may prescribe.

Approved, April 29, 1816.

An Act to alter certain parts of the act providing for the government of the Territory of Missouri.

Be it enacted, &c., That the electors of the Territory of Missouri, entitled to vote for members of the House of Representatives of the Territory, at the time of electing the representatives to the General Assembly, shall in each county in said Territory elect one member of the legislative council to serve for two years and no longer, qualified according to the provisions of the fifth section of the "Act providing for the government of the Territory of Missouri, passed June fourth, one thousand eight hundred and twelve, a majority of whom shall be a quorum, and shall possess the same powers as are granted to the legis-

lative council by the said recited act: and in case of vacancy of a member of the legislative council, by resignation or otherwise, the Governor of the Territory shall issue a writ to the county to elect another person to serve the residue of the term.

Sec. 2. And be it further enacted, That so much of the eighth section of the said recited act as requires the General Assembly of said Territory to meet once in each year be repealed, and the said General Assembly shall meet once in every other year at St. Louis, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day: *Provided,* That the Governor for the time being shall have authority by proclamation to convene the General Assembly whenever he shall deem the interest of the Territory may require it.

Sec. 3. And be it further enacted, That the General Assembly of the said Territory shall be, and are hereby, authorized to require the judges of the superior court of the said Territory to hold superior and circuit courts, to appoint the times and places of holding the same, and under such rules and regulations as the General Assembly may in that behalf prescribe; the circuit courts shall be composed of one of the said judges, and shall have jurisdiction in all criminal cases, and exclusive original jurisdiction in all those which are capital, and original jurisdiction in all civil cases of the value of one hundred dollars, and the superior and circuit courts shall possess and exercise chancery powers as well as common law jurisdiction in all civil cases: *Provided,* That there shall be an appeal in matters of law and equity, in all cases, from the circuit courts to the superior court of the said Territory.

Sec. 4. And be it further enacted, That such part of the said recited acts as is repugnant to, or inconsistent with the provisions of this act, be, and the same is hereby, repealed.

Approved, April 29, 1816.

An Act for the relief of William Crawford, Frederick Bates, William Garrard, and Thomas B. Robertson.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and required to allow and pay to William Crawford, commissioner of land claims east of Pearl river, the sum of five hundred dollars, for carrying his report upon land claims to the General Land Office, at the city of Washington.

Sec. 2. And be it further enacted, That the accounting officers of the Treasury be, and they are hereby, authorized and required to allow and pay to Frederick Bates, recorder of land titles for the Territory of Missouri, the sum of five hundred dollars, for carrying his report upon land claims to the General Land Office, at the city of Washington.

Sec. 3. And be it further enacted, That the accounting officers of the Treasury be, and they are hereby, authorized and required to allow and

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pay to William Garrard, commissioner of land claims for the western district of the State of Louisiana, and to Thomas Bolling Robertson, commissioner of land claims for the eastern district of Louisiana, the sum of five hundred dollars each, for carrying the reports upon land claims to the General Land Office, at the city of Washington.

Sec. 4. *And be it further enacted,* That a sum not exceeding two thousand dollars be, and the same is hereby, appropriated, for the purposes aforesaid, out of any moneys in the Treasury not otherwise appropriated.

Approved, April 29, 1816.

An Act to indemnify Jabez Mowry and others.

Be it enacted, &c., That upon the payment by Jabez Mowry, John W. C. Baxter, Samuel Wheeler, Jonathan Bartlett, Josiah Dana, and Aaron Hayden, citizens of the United States, of certain bonds now in suit in the district court of Maine, given by them to the United States, for duties on goods imported into the district of Passamaquoddy, amounting to the sum of sixty-five thousand five hundred and eight dollars and seventeen cents, which bonds, on the capture of Eastport, on the eleventh day of July, one thousand eight hundred and fourteen, fell into the hands of the enemy, and were afterwards, by the vice admiralty court of Nova Scotia, decreed forfeit, and the amount thereof ordered to be distributed among the captors, and attachments issued against the principals and sureties in said bonds, to compel the payment thereof, the United States will indemnify the principals and sureties in said bonds, and save them harmless against the loss thereof, and for the expenses already incurred by them in consequence of said loss; which expenses shall be ascertained by the accounting officers of the Treasury, and paid out of any moneys therein, not otherwise appropriated.

Approved, April 29, 1816.

An Act for the relief of John Holkar, formerly Consul General of France, to the United States.

Be it enacted, &c., That the accounting officers of the Treasury Department be, and they hereby are, authorized and directed to settle the account of John Holkar, formerly Consul General of France to the United States, for thirty-seven loan-office certificates, amounting to twenty-one thousand seven hundred dollars nominal, that is to say: three hundred dollars thereof issued from the loan office of New Hampshire; seven thousand and nine hundred dollars thereof issued from the loan office of Massachusetts; eight hundred dollars thereof issued from the loan office of Rhode Island; twelve hundred dollars thereof issued from the loan office of New York; and eleven thousand five hundred dollars thereof issued from the loan office of Georgia; all of which had been signed by Francis Hopkinson, Treasurer of Loans, and countersigned by the loan officers of the States respectively, and which were destroyed by fire

in the consulate office at Philadelphia, on the second day of January, in the year one thousand seven hundred and eighty; and that the specie value thereof, being five thousand eight hundred and three dollars, thirty-five ninetieths, be paid, with interest thereon, at six per cent., from the third day of July, one thousand seven hundred and seventy-eight, being the mean date of interest on the same, as examined and stated in the office of the Auditor of the Treasury, on the twenty-fifth day of October, one thousand seven hundred and ninety-four, to the said John Holkar, out of any moneys in the Treasury not otherwise appropriated, upon the said John Holkar giving a bond of indemnity, to the satisfaction of the Comptroller of the Treasury of the United States.

Approved, April 29, 1816.

An Act for the confirmation of certain claims to land in the western district of the State of Louisiana, and in the Territory of Missouri.

Whereas, by the eighth section of the act of third March, one thousand eight hundred and seven, it is required that the commissioners for ascertaining and adjusting the titles and claims to land in the then Territories of Orleans and Louisiana, should arrange their reports into three general classes, the second of which classes should contain claims which, though not embraced by the provisions of the several acts of Congress, ought nevertheless, in the opinion of the commissioners, to be confirmed, in conformity with the laws, usages, and customs of the Spanish Government: And whereas the commissioners, in and for the western district of the State of Louisiana, formerly Territory of Orleans, in their several reports of the sixteenth of October, one thousand eight hundred and twelve, fourth of December, one thousand eight hundred and twelve, ninth of March, one thousand eight hundred and thirteen, sixth of April, one thousand eight hundred and fifteen, first of May, one thousand eight hundred and fifteen, and fourth of May, one thousand eight hundred and fifteen, have formed this second class, recommending the claims which it embraces for confirmation, and have designated the same by letter B, and the register of the land office and receiver of public moneys, acting as commissioners for adjusting the titles and claims to land in the said district, in their report, dated the thirtieth day of December, one thousand eight hundred and fifteen, under the act giving further time for registering claims to land in the western district of the Territory of Orleans, passed the tenth day of March, one thousand eight hundred and twelve, the "Act giving further time for registering claims to land in the eastern and western districts of the Territory of Orleans," passed the twenty-seventh day of February, one thousand eight hundred and thirteen, and the act of the twelfth day of April, one thousand eight hundred and fourteen, have arranged the claims into the following classes, to wit: one, two, three, four, five, six, seven, eight, nine, ten, eleven: Therefore,

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Be it enacted, &c., That the claims marked B and described in the several classes in the above-mentioned reports of the commissioners for the western district of the State of Louisiana, formerly Territory of Orleans, and recommended by them for confirmation, be, and the same are hereby, confirmed: *Provided, nevertheless,* That under no one claim shall any person or persons be entitled, under this act, to more than the quantity contained in a league square.

SEC. 2. *And be it further enacted,* That all claims embraced in the reports of the recorder of land titles, acting as commissioner for ascertaining and adjusting the titles and claims to land in the Territory of Missouri, dated November first, one thousand eight hundred and fifteen, and February second, one thousand eight hundred and sixteen, where the decision of the said commissioner is in favor of the claimants, shall be, and the same are hereby, confirmed, to wit: confirmations of village claims, under the act of Congress of the thirteenth day of June, one thousand eight hundred and twelve; grants of the late board of commissioners, appointed for ascertaining and adjusting the titles and claims to land in the Territory of Missouri, extended by virtue of the fourth section of the act of the third of March, one thousand eight hundred and thirteen; grants and confirmations under the several acts of Congress, commencing with the act of the thirteenth day of June, one thousand eight hundred and twelve.

SEC. 3. *And be it further enacted,* That in all cases not provided for by law for patent certificates to issue, every person, and the legal representative of every person, whose claim to a tract of land is confirmed by this or any former act, and who has not already obtained a patent certificate for the same, shall, whenever his claim shall have been located and surveyed according to law, be entitled to receive from the register of the land office at Opelousas, in the State of Louisiana, or from the recorder of land titles in the Territory of Missouri, as the case may be, a certificate, stating that the claimant is entitled to a patent for such tract of land, by virtue of this act; for which certificate the officer issuing the same shall receive one dollar, and the certificate shall entitle the party to a patent for the tract of land, which shall issue in like manner as is provided by law for patents to issue for lands purchased of the United States.

Approved, April 29, 1816.

An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and sixteen.

Be it enacted, &c., That, for defraying the expenses of the Military Establishment of the United States, for the year one thousand eight hundred and sixteen, for the Indian department, for fortifications, for the expenses of the public buildings at West Point, and for the purchase of maps, plans, books, and instruments, for the Military Academy at said place, the following sums be, and the same are hereby, respectively appropri-

ated, that is to say: For the pay of the Army of the United States, one million one hundred ninety-six thousand four hundred and ninety-six dollars. For subsistence, one million forty-three thousand three hundred and fifty-five dollars. For forage for officers, twenty-five thousand six hundred and ninety-two dollars. For bounties and premiums, fifty-six thousand dollars. For clothing, three hundred and fifty thousand dollars. For the medical and hospital department, one hundred thousand dollars. For the quartermaster's department, three hundred and fifty thousand dollars. For fortifications, eight hundred and thirty-eight thousand dollars. For contingencies, one hundred and fifty thousand dollars. For the Indian department, two hundred thousand dollars. For the purchase of horses for the artillery, fifty thousand dollars. For the purchase of maps, plans, books, and instruments, for the War Office, twenty-five hundred dollars. For the erection of buildings at West Point, including arrearages, one hundred fifteen thousand eight hundred dollars. For the purchase of maps, plans, books, and instruments, for the Military Academy, twenty-two thousand one hundred and seventy-one dollars. For defraying the expenses incurred by calling out the militia during the late war, in addition to the sums heretofore appropriated by law to that object, one million two hundred and fifty thousand dollars. For the payment of damages sustained by the ships and vessels sunk at the entrance of the port of Baltimore, to prevent the ships of the enemy from passing the fort and entering the harbor, fifteen thousand one hundred eighty-eight dollars and fifty cents, being part of the amount of an appropriation of two hundred fifty thousand dollars, heretofore made, and by the President of the United States transferred to other objects.

SEC. 2. *And be it further enacted,* That the several sums specifically appropriated by this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 29, 1816.

An Act authorizing the payment of a sum of money to Joseph Stewart, and others.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Joseph Stewart, and his associates, of Dorchester county, in the State of Maryland, or to their legal representatives, the sum of one thousand eight hundred dollars, out of any money in the Treasury not otherwise appropriated; which money is paid to them for their gallantry and good conduct in capturing, during the late war, a tender belonging to the Dauntless, British ship-of-war, and taking eighteen prisoners, to wit: one lieutenant, one midshipman, thirteen seamen, and three marines, and as compensation for the prisoners so taken.

SEC. 2. *And be it further enacted,* That any claim which the United States may have to the said captured vessel and property shall be, and the same is hereby, released to the said captors.

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SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, in equal proportions, to Matthew Guy and John Woodward, of Prince William county, in Virginia, and Samuel Jennison and Wilfred Drury, of St. Mary's county, in Maryland, or to their legal representatives; which is paid to them as an evidence of the sense entertained of their valor and good conduct in capturing a boat belonging to the enemy, in Clement's bay, in Potomac river, in December, one thousand eight hundred and fourteen; making prisoners of the crew, consisting of a midshipman and four seamen, with their arms; and also as compensation for the prisoners so taken and delivered to the proper officers of the United States.

Approved, April 29, 1816.

An Act concerning pre-emption rights given in the purchase of lands to certain settlers in the State of Louisiana, and in the Territories of Missouri and Illinois.

Be it enacted, &c., That any person, and the legal representatives of any person, entitled to a preference in becoming the purchaser, from the United States, of a tract of land at private sale, in the State of Louisiana, and in the Territories of Missouri and Illinois, according to the provisions of the act, entitled "An act giving the right of pre-emption, in the purchase of lands, to certain settlers in the Illinois Territory," passed February fifth, one thousand eight hundred and thirteen, and the fifth section of the "Act for the final adjustment of land titles in the State of Louisiana, and Territory of Missouri," passed April twelfth, one thousand eight hundred and fourteen, who is settled on a fraction of a section or fractional quarter-section, containing less than one hundred and sixty acres, shall have the privilege of purchasing one or more adjoining fractional quarter-sections, or the adjoining quarter section, including their improvements, or the fraction improved by them, at their option; and the provisions of the said recited acts are hereby made applicable to them, so far as they are consistent with the provisions of this act.

SEC. 2. *And be it further enacted,* That in cases where two or more persons, entitled to the right of pre-emption, shall be settled upon one quarter or fractional quarter section of land, each person shall be authorized to purchase one or more quarter sections, or fractional quarter sections, of the section or fractional section of land upon which they are so settled; and the section or fractional section upon which such persons are settled shall be equally divided between them, in such manner as the register and receiver, within whose district the land lies, shall determine and direct, so as to secure, as far as may be practicable, to every such person their improvements respectively; and where the improvement of such person shall be upon two or more quarter sections, such person shall be entitled to purchase

the quarter sections upon which his improvement shall be.

Approved, April 29, 1816.

An Act declaring the consent of Congress to acts of the State of South Carolina, authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports; and to acts of the State of Georgia, authorizing the imposition and collection of a duty on the tonnage of vessels in the ports of Savannah and St. Mary's.

Be it enacted, &c., That the consent of Congress be, and is hereby, granted and declared to the operation of any act of the General Assembly of the State of South Carolina, now in existence, or which may hereafter be passed, so far as the same extends, or may extend, to authorize the City Council of Charleston, to impose and levy a duty, not exceeding ten cents per ton, on all ships and vessels of the United States, which shall arrive and be entered in the port of Charleston, from any foreign port or place, for the purpose of providing a fund for the temporary relief and maintenance of sick or disabled seamen in the marine hospital of the said port of Charleston.

SEC. 2. *And be it further enacted,* That the collector of the port of Charleston be, and he is hereby, authorized to collect the duties imposed or authorized to be imposed by this act, and to pay the same to such persons as shall be authorized to receive the same by the City Council of Charleston.

SEC. 3. *And be it further enacted,* That the consent of Congress be, and is hereby, granted and declared to the operation of any act of the General Assembly of the State of Georgia, now in existence, or which may hereafter be passed, so far as the same extends, or may extend, to authorize the levying and collecting a tonnage duty, not exceeding two cents per ton upon coasting vessels, and four cents per ton upon vessels from foreign ports, arriving at and entering the ports of Savannah and St. Mary's, for the purpose of providing a fund for the payment of the fees of the harbor master and health officer of those ports respectively: *Provided,* the said acts shall not contain provisions inconsistent with the operation of any law of the United States made in execution of existing treaties.

SEC. 4. *And be it further enacted,* That this act shall be in force for five years, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, April 29, 1816.

An Act to authorize the survey of two millions of acres of the public lands, in lieu of that quantity heretofore authorized to be surveyed, in the Territory of Michigan, as military bounty lands.

Be it enacted, &c., That so much of the "Act to provide for designating, surveying, and granting the military bounty lands," approved the sixth day of May, one thousand eight hundred and twelve, as authorizes the President of the United

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States to cause to be surveyed two millions of acres of the lands of the United States, in the Territory of Michigan, for the purpose of satisfying the bounties of land promised to the non-commissioned officers and soldiers of the United States be, and the same is hereby, repealed; and in lieu of the said two millions of acres of land, the President of the United States be, and he is hereby, authorized to cause to be surveyed, of the lands of the United States fit for cultivation, not otherwise appropriated, and to which the Indian title is extinguished, one million five hundred thousand acres, in the Illinois Territory, and five hundred thousand acres, in the Missouri Territory, north of the river Missouri; the said lands shall be divided into townships, and subdivided into sections and quarter sections, (each quarter section to contain, as near as possible, one hundred and sixty acres,) in the manner prescribed by law for surveying and subdividing the other lands of the United States; and the lands thus surveyed, with the exception of the salt springs and lead mines therein, and of the quantities of land adjacent thereto as may be reserved for the use of the same by the President of the United States, and the section number sixteen in every township, to be granted to the inhabitants of such township for the use of public schools, shall, according to the provisions of the above recited act, be set apart for the purpose of satisfying the bounties of land promised to the non-commissioned officers and soldiers of the late Army of the United States, their heirs and legal representatives, by the act entitled "An act for completing the existing Military Establishment, approved the twenty-fourth day of December, one thousand eight hundred and eleven, and by the act entitled "An act to raise an additional military force," approved the eleventh day of January, one thousand eight hundred and twelve.

SEC. 2. *And be it further enacted*, That every person in whose favor any warrant for military land bounty is issued, shall be, and is hereby, authorized to draw by lot one of the quarter sections surveyed by virtue of this act, and shall obtain a patent therefor, in the same manner, in every respect, as is or shall be provided by law for patents to issue for other military land bounties, or as is provided by the act first above recited for patents to issue for such lands.

Approved, April 29, 1816.

An Act supplementary to the act passed the thirtieth of March, one thousand eight hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

Be it enacted, &c., That licenses to trade with the Indians within the territorial limits of the United States shall not be granted to any but citizens of the United States, unless by the express direction of the President of the United States, and upon such terms and conditions as the public interest may, in his opinion, require.

SEC. 2. *And be it further enacted*, That all goods, wares, and merchandise, carried by a for-

eigner into the lands to which the Indian title has not been extinguished, for the purpose of being used in the Indian trade; and all articles of peltry, of provisions, or of any other kind purchased by foreigners from Indians, or tribes of Indians, contrary to the provisions of this act, shall be, and the same are hereby, forfeited, one-half thereof to the use of the informer, and the remainder to the United States: *Provided*, That the goods, wares, and merchandise are seized prior to their sale to an Indian, or Indian tribe, and the articles purchased are seized before they are removed beyond the limits of the United States.

SEC. 3. *And be it further enacted*, That if a foreigner go into any country which is allotted or secured by treaty to either of the Indian tribes within the territorial limits of the United States, or to which the Indian title has not been extinguished, without a passport first had and obtained from the Governor of one of the States or Territories of the United States, adjoining the country into which he may go, or the officer of the troops of the United States, commanding at the nearest post on the frontiers, or such other person as the President of the United States may from time to time authorize to grant the same, he shall, on conviction thereof, pay a fine of not less than fifty or more than one thousand dollars; or be imprisoned not less than one month, or more than twelve months, at the discretion of the court.

SEC. 4. *And be it further enacted*, That trials for offences against this act shall be had in the courts of the United States of the territory in which the person accused may be arrested, or in the circuit court of the United States, of the district into which he may be first carried, after his arrest.

SEC. 5. *And be it further enacted*, That each and every person charged with a violation of the second section of this act shall, if arrested, be indicted and tried in one of the courts aforesaid, and that the conviction of the accused shall authorize the court to cause the goods intended to be sold to, and articles purchased from the Indians, belonging to him, or taken in his possession, to be sold, one-half to the use of the informer, and the other to the use of the United States. But if goods intended to be sold, or articles purchased from the Indians contrary to the provisions of this act, should be seized, and the owner or person in possession of them should make his escape, or from any other cause cannot be brought to trial, it shall and may be lawful for the United States Attorney of the Territory in which they may be seized, or the District Attorney of the United States, of the district into which they may have been first carried after they are seized, to proceed against the said goods intended to be sold to, or articles purchased from the Indians, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

SEC. 6. *And be it further enacted*, That the President of the United States be, and he hereby

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is, authorized to use the military force of the United States whenever it may be necessary to carry into effect this act, as far as it relates to seizure of goods to be sold to, or articles already purchased from the Indians, or to the arrest of persons charged with violating its provisions.

Approved, April 29, 1816.

An Act to increase the salary of the Register of the Treasury.

Be it enacted, &c., That there be allowed and paid to the Register of the Treasury, for his annual salary, from the first of January, one thousand eight hundred and sixteen, the sum of three thousand dollars.

Approved, April 30, 1816.

An Act concerning Invalid Pensioners.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the following named persons on the pension list of invalid pensioners of the United States, who shall be entitled to and receive pensions according to the rates, and commencing at the times herein mentioned, that is to say:

John Huie, at the rate of twenty dollars per month, to commence on the twenty-seventh of December, eighteen hundred and fifteen.

Erastus Desbrow, at the rate of six dollars per month, to commence on the eighteenth of November, eighteen hundred and fifteen.

John B. Williams, at the rate of six dollars per month, to commence on the twelfth of September, eighteen hundred and fifteen.

Ptolemy Sheldon, at the rate of eight dollars per month, to commence on the ninth of June, eighteen hundred and fifteen.

Humphrey Webster, at the rate of seventeen dollars per month, to commence on the first of June, eighteen hundred and fifteen.

Asa Glazier, at the rate of four dollars per month, to commence on the twenty-sixth of January, eighteen hundred and sixteen.

Joseph Westcott, at the rate of six dollars and sixty-seven cents per month, to commence on the sixth of January, eighteen hundred and sixteen.

Alston Fort, at the rate of eight dollars per month, to commence on the sixteenth of September, eighteen hundred and fourteen.

Luther Gregory, at the rate of four dollars per month, to commence on the twenty-second of February, eighteen hundred and sixteen.

Henry Parks, at the rate of eight dollars per month, to commence on the twenty-second of February, eighteen hundred and sixteen.

Lemuel Hewlit, at the rate of four dollars per month, to commence on the twelfth of January, eighteen hundred and sixteen.

Peter Mills, at the rate of eight dollars per month, to commence on the fifth of January, eighteen hundred and thirteen.

Bethuel Goodrich, junior, at the rate of four dollars per month, to commence on the eighteenth of November, eighteen hundred and fifteen.

William Vineyard, at the rate of four dollars

per month, to commence on the second of November, eighteen hundred and fifteen.

Aaron Stewart, at the rate of four dollars per month, to commence on the fourth of October, eighteen hundred and fifteen.

Michael McDermott, at the rate of eight dollars per month, to commence on the twenty-fifth of March, eighteen hundred and fourteen.

William Bowyer, at the rate of eight dollars per month, to commence on the tenth of October, eighteen hundred and fifteen.

Samuel Jacaway, at the rate of four dollars per month, to commence on the ninth of January, eighteen hundred and fifteen.

Joseph S. Van Driesen, at the rate of eight dollars per month, to commence on the fourth of March, eighteen hundred and thirteen.

Jacob Kendelsperyer, at the rate of four dollars per month, to commence on the seventeenth of November, eighteen hundred and fourteen.

Thomas Fugate, at the rate of eight dollars per month, to commence on the thirty-first of May, eighteen hundred and fourteen.

Cornelius Williams, at the rate of four dollars per month, to commence on the eighteenth of December, eighteen hundred and fifteen.

John B. Fuller, at the rate of eight dollars per month, to commence on the twenty-eighth of November, eighteen hundred and fifteen.

Michael Chapu, at the rate of four dollars per month, to commence on the fifth of February, eighteen hundred and sixteen.

Joseph Henderson, at the rate of eight dollars and fifty cents per month, to commence on the twenty-fourth of December, eighteen hundred and fourteen.

John Pidgeon, at the rate of four dollars per month, to commence on the eighth of February, eighteen hundred and fifteen.

George Fitzsimmons, at the rate of four dollars per month, to commence on the first of June, eighteen hundred and fifteen.

Jesse Beach, at the rate of twenty dollars per month, to commence on the third of January, eighteen hundred and sixteen.

Daniel Stagg, at the rate of eight dollars per month, to commence on the twenty-sixth of February, eighteen hundred and sixteen.

Daniel Bailey, at the rate of four dollars per month, to commence on the eighteenth of December, eighteen hundred and fifteen.

Calvin Barnes, at the rate of four dollars per month, to commence on the fourteenth of February, eighteen hundred and sixteen.

Noble Morse, at the rate of eight dollars per month, to commence on the thirty-first of October, eighteen hundred and fifteen.

David McCracken, junior, at the rate of eight dollars per month, to commence on the ninth of February, eighteen hundred and sixteen.

John Patterson, at the rate of four dollars per month, to commence on the twenty-ninth of December, eighteen hundred and fifteen.

Thomas Baldwin, at the rate of eight dollars per month, to commence on the sixth of June, eighteen hundred and fifteen.

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Zenas Hastings, at the rate of eight dollars per month, to commence on the twenty-ninth of November, eighteen hundred and fifteen.

James Nowell, at the rate of eight dollars per month, to commence on the fifth of April, eighteen hundred and eleven.

Charles Hagin, at the rate of eight dollars per month, to commence on the eighth of November, eighteen hundred and fifteen.

Joseph Foster, at the rate of eight dollars per month, to commence on the tenth of October, eighteen hundred and fifteen.

Levie Frisbie, at the rate of eight dollars per month, to commence on the ninth of November, eighteen hundred and fifteen.

Joseph Gillett, at the rate of seventeen dollars per month, to commence on the eighteenth of April, eighteen hundred and fifteen.

Samuel Truby, at the rate of eight dollars per month, to commence on the ninth of September, eighteen hundred and fifteen.

David Hawkins, at the rate of eight dollars per month, to commence on the seventeenth of November, eighteen hundred and fifteen.

Philip Ulmer, at the rate of fifteen dollars per month, to commence on the twenty-second of January, eighteen hundred and sixteen.

John Hamilton, at the rate of ten dollars per month, to commence on the fifth day of February, eighteen hundred and fifteen.

Nathaniel Thompson, at the rate of four dollars per month, to commence on the sixteenth of June, eighteen hundred and fifteen.

John Downs, at the rate of four dollars per month, to commence on the twenty-second of March, eighteen hundred and sixteen.

John Fenton, at the rate of four dollars per month, to commence on the sixth of February, eighteen hundred and sixteen.

William Collins, at the rate of four dollars per month, to commence on the eighteenth of January, one thousand eight hundred and sixteen.

James Allen, at the rate of four dollars per month, to commence on the third of May, one thousand eight hundred and fifteen.

William Richardson, at the rate of four dollars per month, to commence on the twelfth of April, one thousand eight hundred and fifteen.

James Devourix, at the rate of eight dollars per month, to commence on the eighth of July, one thousand eight hundred and fifteen.

Nathaniel Clark, at the rate of six dollars per month, to commence on the twentieth of February, one thousand eight hundred and fifteen.

John Haskell, at the rate of eight dollars per month, to commence on the eleventh of December, one thousand eight hundred and fifteen.

James Nourse, at the rate of four dollars per month, to commence on the seventeenth of November, one thousand eight hundred and fifteen.

John McNulty, at the rate of eight dollars per month, to commence on the twelfth of June, one thousand eight hundred and fifteen.

Joseph Kerr, at the rate of four dollars per month, to commence on the twenty-third of October, one thousand eight hundred and fifteen.

James Guthrie, at the rate of four dollars per month, to commence on the twenty-seventh of September, one thousand eight hundred and fifteen.

Stephen M. Conger, at the rate of four dollars per month, to commence on the seventeenth of October, one thousand eight hundred and fifteen.

Socrates Swift, at the rate of eight dollars per month, to commence on the eighteenth of March, one thousand eight hundred and fifteen.

Nathan Lockwood, at the rate of four dollars per month, to commence on the first of December, one thousand eight hundred and fifteen.

Samuel Gurnee, at the rate of eight dollars per month, to commence on the sixth of March, one thousand eight hundred and sixteen.

Emory Lowman, at the rate of eight dollars per month, to commence on the sixteenth of June, one thousand eight hundred and fifteen.

John McMillan, at the rate of fifteen dollars per month, to commence on the twenty-third of August, one thousand eight hundred and fifteen.

Reuben Goolsby, at the rate of four dollars per month, to commence on the first of April, one thousand eight hundred and sixteen.

William Rhodes, at the rate of four dollars per month, to commence on the third of November, one thousand eight hundred and fourteen.

Daniel Ruminer, at the rate of six dollars per month, to commence on the fourth of July, one thousand eight hundred and fifteen.

Beverly Williams, at the rate of twenty dollars per month, to commence on the twenty-fourth of September, one thousand eight hundred and fifteen.

James Shaw, at the rate of eight dollars per month, to commence on the fifth of September, one thousand eight hundred and fifteen.

Edmund Borum, at the rate of eight dollars per month, to commence on the twenty-first of August, one thousand eight hundred and fifteen.

Matthew Williams, at the rate of six dollars per month, to commence on the eleventh of July, one thousand eight hundred and fifteen.

William L. Syper, at the rate of four dollars per month, to commence on the twenty-fourth of August, one thousand eight hundred and fifteen.

Samuel Scott, at the rate of eight dollars per month, to commence on the twenty-seventh of May, one thousand eight hundred and fifteen.

David Hubbard, at the rate of four dollars per month, to commence on the seventeenth of June, one thousand eight hundred and fifteen.

Hugh Hays, at the rate of four dollars per month, to commence on the fourth of July, one thousand eight hundred and fifteen.

William Dennie, at the rate of six dollars per month, to commence on the sixteenth of September, one thousand eight hundred and fifteen.

John Bruce, at the rate of six dollars per month, to commence on the sixteenth of September, one thousand eight hundred and fifteen.

George Slecker, at the rate of six dollars per month, to commence on the twenty-third of August, one thousand eight hundred and fifteen.

Robert C. Davis, at the rate of six dollars per

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month, to commence on the fifteenth of September, one thousand eight hundred and fifteen.

Bracket Davison, at the rate of six dollars per month, to commence on the seventeenth of December, one thousand eight hundred and fifteen.

W. I. Shumate, at the rate of fourteen dollars per month, to commence on the twenty-seventh of July, one thousand eight hundred and fifteen.

Alexander M. Gray, at the rate of eight dollars per month, to commence on the twenty-seventh of July, one thousand eight hundred and fifteen.

John Patterson, at the rate of four dollars per month, to commence on the eighteenth of September, one thousand eight hundred and fifteen.

Paul Bonnel, at the rate of four dollars per month, to commence on the twenty-ninth of January, one thousand eight hundred and sixteen.

Daniel Hannah, at the rate of four dollars per month, to commence on the twenty-eighth of February, one thousand eight hundred and sixteen.

Joshua Mercer, at the rate of four dollars per month, to commence on the twenty-seventh of March, one thousand eight hundred and sixteen.

Samuel Schoonover, at the rate of eight dollars per month, to commence on the eighteenth of March, one thousand eight hundred and sixteen.

Alston Cook, at the rate of eight dollars per month, to commence on the twenty-sixth of October, one thousand eight hundred and fourteen.

John Chittim, at the rate of six dollars per month, to commence on the first of January, one thousand eight hundred and fifteen.

Abraham Johnson, at the rate of five dollars and thirty-three cents and one third of a cent per month, to commence on the eleventh of February, one thousand eight hundred and sixteen.

Thomas Gadd, at the rate of four dollars per month, to commence on the eleventh of July, one thousand eight hundred and fourteen.

William O'Neal, at the rate of four dollars per month, to commence the fifteenth day of February, one thousand eight hundred and sixteen.

Thomas Edmondson, at the rate of four dollars per month, to commence the twenty-seventh day of May, one thousand eight hundred and fifteen.

Josiah B. Pachard, at the rate of eight dollars per month, to commence on the twenty-second day of January, one thousand eight hundred and sixteen.

John Q. Talbotts, at the rate of four dollars per month to commence on the fifth day of April, one thousand eight hundred and fifteen.

James Jackson, at the rate of four dollars per month, to commence on the twenty-first of August, one thousand eight hundred and fifteen.

Jean Du Peron, at the rate of eight dollars per month, to commence on the twenty-eighth of December, one thousand eight hundred and fourteen.

John Lamb, at the rate of eight dollars per month, to commence on the first of April, one thousand eight hundred and sixteen.

SEC. 2. *And be it further enacted*, That the pensions of the following named persons, already placed on the pension list of the United States, be increased to the sums herein respectively an-

nexed to their names; the said increase to commence at the times herein mentioned, and to be in lieu of the pensions they at present receive, that is to say:

Nero Hawley, at the rate of eight dollars per month, to commence on the thirtieth of October, one thousand eight hundred and fifteen.

Nathan Hawley, at the rate of eight dollars per month, to commence on the thirtieth of October, one thousand eight hundred and fifteen.

James Porter, at the rate of four dollars per month, to commence on the twenty-second of January, one thousand eight hundred and sixteen.

John Durell, at the rate of eight dollars per month, to commence on the twenty-ninth of June, one thousand eight hundred and fifteen.

James White, at the rate of eight dollars per month, to commence on the twenty-seventh of May, one thousand eight hundred and fifteen.

David Scott, at the rate of twenty dollars per month, to commence on the eighteenth of May, one thousand eight hundred and fourteen.

Hugh Barnes, at the rate of twenty dollars per month, to commence on the fourth of March, one thousand eight hundred and sixteen.

Edmund Stevenson, at the rate of eight dollars per month, to commence on the first of April, one thousand eight hundred and sixteen: *Provided*, That nothing in this act shall be so construed as to allow any pensioners any other pension than is herein provided, or any higher rate of pension than has heretofore been allowed to him, or to others similarly situated, for any time previous to the passage of an act, entitled, "An act, to increase pensions of invalids in certain cases, for the relief of invalids of the militia, and for the appointment of pension agents, in those States, where there are no commissioners of loans."

Approved, April 30, 1816.

An Act fixing the compensation of the Secretary of the Senate, and Clerk of the House of Representatives, and making provision for the clerks employed in their offices.

Be it enacted, &c., That in lieu of the compensation heretofore allowed by law to the Secretary of the Senate, and Clerk of the House of Representatives of the United States, they shall severally receive the sum of three thousand dollars annually, payable quarterly, as heretofore.

SEC. 2. *And be it further enacted*, That so much of any act heretofore passed, providing any compensation, salary, or perquisites, of any nature or kind whatever, to the said Secretary and Clerk, shall be, and the same is hereby, repealed.

SEC. 3. *And be it further enacted*, That there be allowed to the principal and engrossing clerks of the Senate and of the House of Representatives, an addition of twenty per centum on the compensations to which they are at present entitled by law. This act shall take effect and continue in force for two years from and after the first day of January, one thousand eight hundred and sixteen.

Approved, April 30, 1816.

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An Act fixing the compensation of the Chaplains of Congress.

Be it enacted, &c., That the Chaplains of Congress shall be allowed and paid five hundred dollars per annum, each, as a compensation for their services, to commence with the present session of Congress, any law to the contrary notwithstanding.

Approved, April 30, 1816.

An Act to establish Post Roads.

Be it enacted, &c., That the following post roads be, and the same are hereby, discontinued: that is to say,

From Portland, by Windham, Raymond, Bridgeton, Lovell, Watford, Norway, Paris, Buckfield, Sumner, Hartford, Livermore, Turner, Poland, New Gloucester, and Hebron Academy, to Paris, in Maine.

From Watford, by Norway, Rumford, and Bethel, in Maine.

From Maryland, to Milford, in New York.

From Delhi to Meredith, in New York.

From Onondaga, by Tully, Preble, and Homer, to Cortland court-house, in New York.

From Montgomery court-house, by Tatnall court-house, and Barrington, to Darien in Georgia.

From Abington, by Russell court-house, and Mockinson Gap, to Abingdon, in Virginia.

From Rogersville, Tennessee, by Lee court-house, Virginia, to Cumberland Gap, in Tennessee.

From Huntington, by the north road, to Smithtown, in New York.

From Buckstown, by Frankfort, Hampden, Bangor, and No. 1, to Orrington; also the route from Prospect, by Mount Ephraim, to Frankfort, in Maine.

From Plymouth, by New Hampton, Meredith, Gilmanton, Northwood, Nottingham, and Durham, to Portsmouth in New Hampshire.

From Greensburg, Pennsylvania, to New Lisbon, in Ohio.

From Barfields, by Port's Ferry to Johnson's Ferry, on Lynch's Creek, in South Carolina.

From Port's Ferry to Conwayborough, South Carolina.

From Carthage to Lebanon, in Tennessee.

From Windsor to Williamston, in North Carolina.

From Triadelphia to Ellicott's Mills.

From Galway to Broadalbin.

From Centreville to Leesburg.

From Taunton to Weymouth, in Massachusetts.

From Canton to Goshen, in Connecticut.

SEC. 2. *And be it further enacted,* That the following be established as post roads, viz:

In Maine.—From Lowell to Fryburg.

From Portland, by Poland, Hebron, Norway, Paris, Buckfield, Sumner, Hartford, Livermore, Turner, Minot, New Gloucester, and Hebron Academy, to Paris.

From Norridgewalk, by Starks and Industry, to Farmington.

From Portland, by Windham, Raymond, Bridgeton, Lovell, Watford, Norway, Paris, Rumford, Bethel, and Albany, to Watford.

From Machias to Hagg's Point, in Lubeck.

From Belfast, by Mount Ephraim, Frankfort, Hampden, and Bangor, to Edington.

From Augusta, by Brown's Corner and Harlem, to Palermo.

From Orrington to Brewer.

From Canaan, by Palmyra, Newport, Crosleytown, and Carmel, to Hampden.

In New Hampshire.—From Plymouth, by Camp-ton, Thornton, Peeling, and Lincoln, to Franconia.

From Portsmouth, by Dover, Madberry, Barrington, Barnstead, Gilmanton, Meredith, and New Hampton, to Plymouth.

In Vermont.—From Grand Isle to Alburg.

From Hyde Park, by Morristown and Stow, to Watbury.

From Rutland, by Parkerstown, Pittsfield, to Stockbridge.

From Newbury, on the Passumpsie turnpike, by Barnet, St. Johnsbury, Lynden, Sheffield, and Barton, to Derby.

From Colrairie, Massachusetts, by Halifax and Whittingham, to Wilmington.

That the post road from Monkton to Hinesburg, pass through Starkesborough.

In Massachusetts.—From Northampton, by Williamsburg, Goshen, Plainfield, and Savoy, to Adams.

From Worcester, by Milbury, Northbridge, and Uxbridge, to Smithfield, in Rhode Island.

From New Bedford, by Bridgewater, to Boston.

That the mail from Northampton to Worcester, pass through Paxton.

From the south parish of Bridgewater, by the west and north parishes of Bridgewater, Randolph, and Milton, to Boston.

In Connecticut.—From Middletown to Killingworth.

From Hartford, through Canton, Torrington, Torrington, Goshen, and Cornwall, to Sharon.

In New York.—From Essex, by Westport, Moriah, Crown Point, Ticonderoga, Hague, and Bolton, to Fort George, in Caldwell.

From Williamstown, Oneida county, by Richland, Ellisbury, and Henderson's, to Sackett's Harbor, in Jefferson county.

From Richfield, by Plainfield, Brookfield, and Hamilton, to Skaneateles.

From Catharinatown, by Reading, to Benton.

From Manlius, by Pompey east, and Pompey west, Hill, Tully, Preble, and Homer, to Cortlandt court-house.

From Whitehall, (to intersect the post road from Albany to Middlebury, Vermont, at Granville, to Pawlett,) in Vermont.

From Sullivan, by Camillus, Brutus, and Mentz, to Junius.

From Auburn, by Mentz, Cato, and Wolcott, to Sodus bay.

From Maryland, by Otego and Milford, to Iliam-burg, post office in Unadilla.

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From Stamford, by Roseville, to Delhi.
 From Genoa to Auburn.
 From Oswego, by Hannibal and Sterling, to Cato.

From Whitesborough, along the new road to the east end of Oneida lake, to Camden.

From Brownsville to Cape Vincent.
 From Saratoga Springs, by Palmertown and Moreau, to Sandy Hill.

From Canandaigua, by Rochester, and thence along the ridge road, to Lewistown.

From Owego, by Spencer court-house, in Tioga county, Dutch and Johnson's settlements, to Catharinetown.

From Geneva, by Phelps and Lyons, to Sodus.
 From Westport, by Elizabeth and Keene, to Jay.

From Newburg, by Pleasant Valley, to New Paltz.

From Batavia, by Middlebury, to Warsaw.
 From Goshen, by Minisink and Amity, to Warwick.

From Goshen, by Philipsburg, Middletown, Mount Hope, Deer Park, and Carpenter's Point, to post office in Montague, in New Jersey.

From Huntington, by Dixhill's, to Smithtown.
 From Hudson, by Kinderhook Landing, Castleton, and Schodack Landing, to Greenbush.

From Hudson to Lebanon.
 From Sagg Harbor to Easthampton.

In New Jersey.—From New Brunswick, by Boundbrook, Middlebrook, Somerville, White-House, Hunt's Mills, and Bloomsbury, to Easton, in Pennsylvania.

From Pittstown, in the county of Hunterdon, by Bloomsbury, Stewartsville, to Harmony, in the county of Sussex.

From Jobstown, in the county of Burlington, to Egypt, in the county of Monmouth.

In Pennsylvania.—From Meadville, by forks of Oil Creek, Warren, and outlet of Chetaugua lake to Mayville, in New York.

From Seller's tavern to Doylestown.
 From Sunbury, by New Berlin, Union county, and Middleburg, to Lewistown.

From Lewisburg, by Loyal-sock Gap, to Williamsport.

From Bellefont, by Birmingham and Burgoes Gap to Ebensburg.

From Downingtown, by Brandywine Manor, Waynesburg, Carnarvon, Ephrata, Elizabeth, Cornwall, and Humelstown, to Harrisburg.

From Beavertown to New Lisbon, in Ohio.
 From Gettysburg, by Oxford and Berwick, to York.

From Bedford, by Johnstown to Indiana.

In Ohio.—From Waynesville, by Bellebook, to Xenia.

From Hamilton, by Oxford, to Bath, in Franklin county, Indiana Territory.

From Gallipolis to Aurora; from West Union to Ripley.

From West Union, by Hillsborough and Wilmington, to Xenia.

From Steubenville, by Salem, Millersburg, and Hamburg, to Canton.

From Salem, by Canfield, Austintown, Warren, Braceville, Sharon, Nelson, Hiram, Mantua, and Aurora, to Newberry.

From Gallipolis, by Sciota Salt Works, to Chillicothe.

From Avery, by Jessup, to Ridgeville, to intersect the post route from Cleveland to Detroit at Rocky river.

In Indiana Territory.—From Brookville, by Bath, to Salisbury.

From Valonia, by Brownstown, to New Natchez, in Jackson county.

From Vincennes to Emmerson's mills, in Knox county.

That the post road from Vincennes to Shawneetown pass through Harmony, in Gibson county.

In Illinois Territory.—From Shawneetown, by White court-house and Edward court-house to Vincennes, in Indiana Territory.

In Missouri Territory.—From St. Louis, by Potosi and Lawrence court-house, to Arkansas.

From St. Charles, by Murphey's, in St. Johns settlement, to Fort Cooper or Howard court-house.

In Maryland.—From Triadelphia, by Damascus, to Newmarket.

From Hagerstown to McConnelstown, in Pennsylvania.

From Upper Marlborough to McGruder's tavern, in Prince George's county.

In Virginia.—From Cabin Point, by J. Edmund's, Baileysburg, Uiquarhart's store, and C. Bower's, to South Quay.

From Wythe court-house, by Tazewell court-house, Russell court-house, Scott court-house, and Lee court-house, to Cumberland Gap, in Tennessee.

From Brown's store to Dickenson's store, Franklin county.

From Winchester, by Cedar creek, Trout run, and Lost river, to Moorefields.

From Putsylvania court-house, by B. Wadkin's store, and Island Ford, Smith's river, to Rockingham court-house, in North Carolina.

From Wythe court-house to Giles court-house.

From New Canton to Columbia.

From Aldie to Leesburg.
 From Aldie to Battletown.

In Kentucky.—From Washington, by Maysville, to Xenia, in Ohio.

From Columbia to Greensburg.

From Great Crossings, by Sanders' mills and New Fredericksburg, to Vevay, in Indiana Territory.

From Washington, by Newtown, Marysville, and Cynthiana, to Georgetown.

From Middletown to Brauerstown.

From Glasgow, by Hartsville, to Lebanon, in Tennessee.

In North Carolina.—From Tarborough, by Staunton's bridge, Snowhill, and Kingston, to Duplin court-house.

From Murfreesborough, by Windsor, to Plymouth.

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From Charlotte, by Harrisburg, Pine Hill, Alexander's, Landford, and Lewisville, to Chester court-house, in South Carolina.

In South Carolina.—From Chesterfield court-house, by Lawry's mills and Pickett's store, to Wadesborough, in North Carolina.

From Greenville court-house to Spartanburg. From Barfield's, by Marion court-house, or Gilesborough, and Godfrey's ferry, to Johnson's ferry, on Lynch's creek.

From Conwayborough, by Gallivant's ferry, to Marion court-house.

From Conwayborough to Smithfield, in North Carolina.

From Chester court-house to Louisville.

In Georgia.—From Jefferson to Hurricane Shoals.

From Montgomery court-house, by Blackmore's and Hardin's to Riceborough.

In Tennessee.—From Nashville, by Murfreesborough, Stone Fort, and Winchester, in Tennessee, Lowry's, Van's Old Place, and Blackburn's, to Athens, in Georgia.

From Lebanon, by Williamsburg and Hilham, to Monroe.

From Sparta, by Liberty and Lebanon, to Nashville.

From Bean's station, by Stiffey's mill, to Iron Works of Mossy creek, thence to Danbridge.

From Marysville, by Morgantown, to Tellico block-house.

From Port Royal to John Hunt's, in Robertson's county.

That the post road from Jonesborough to Greenville pass through Leesburg and Brownsburg.

In the Mississippi Territory.—From Franklin court-house to Liberty, Amity court-house.

Approved, April 30, 1816.

An Act to allow drawback of duties on spirits distilled and sugar refined within the United States, and for other purposes.

Be it enacted, &c., That a drawback of six cents for every gallon of spirits, not below first proof, distilled within the United States, or the Territories thereof, shall be allowed on all such spirits as shall be exported to any foreign port or place, other than the dominions of any foreign State immediately adjoining to the United States, adding to the allowance upon every gallon of such spirits so distilled from molasses, four cents; which allowances shall be made without deduction: *Provided,* That the quantity so exported shall amount to one hundred and fifty gallons at the least, to entitle an exporter thereof to drawback, and that no drawback shall be allowed whenever any of the said spirits shall be exported otherwise than in vessels not less than thirty tons burden.

SEC. 2. And be it further enacted, That, in order to entitle the exporter or exporters to the benefit of drawback allowed by this act on such spirits so distilled, the vessels or casks containing the same shall be branded or otherwise marked, in durable characters, with progressive numbers,

with the name of the owner, the quantity thereof, to be ascertained by actual gauging, and the proof thereof. And the exporter of such spirits shall, moreover, previous to putting or lading the same on board of any ship or vessel for exportation, give six hours' notice at least to the collector of the customs for the district from which the same are about to be exported of his or her intention to export the same; and shall make entry in writing of the particulars thereof, and of the casks or vessels containing the same, and of their respective marks, numbers, and contents, and of the place or places where deposited, and of the port or place to which, and ship or vessel in which they or either of them shall be so intended to be exported; and the form of the said entry shall be as follows: Entry of domestic spirits, intended to be exported by [here insert the name or names,] on board of the [insert the denomination and name of the vessel,] whereof [insert the name of the master] is master, for [insert the port or place to which destined,] for the benefit of drawback.

Marks.	Numbers.	Casks and contents.	Gauge.

And the said collector shall, in writing, direct the surveyor or other inspecting officer to inspect, or cause to be inspected, the spirits so notified for exportation; and if they shall be found to correspond fully with the notice concerning the same, and shall be so certified by the said surveyor, or other inspecting officer, the said collector, together with the naval officer, if any there be, shall grant a permit for lading the same, on board of the ship or vessel named in such notice and entry as aforesaid; which lading shall be performed under the superintendence of the officer by whom the same shall have been so inspected; and the said exporter or exporters shall likewise make oath that the said spirits, so notified for exportation, and laden on board such ship or vessel, previous to the clearance thereof, or within twenty days after such clearance, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be reloaded within the United States or the Territories thereof.

SEC. 3. And be it further enacted. That, for all distilled spirits which shall be exported to any foreign port or place, and which shall be entitled to the benefit of drawback, in virtue of this act, the exporter or exporters shall be entitled to receive from the collector of the customs for such district a debenture or debentures, assignable by delivery and endorsement, for the amount of the drawback to which such spirits are entitled, which shall be received in payment of direct taxes and internal duties in the collection district in which the same shall be granted: *Provided, always,* That the collector aforesaid may refuse to grant such debenture or debentures, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed shall exceed one hundred dollars, it shall be the

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duty of the said collector to represent the case to the Comptroller of the Treasury, who shall determine whether such debenture or debentures shall be granted or not. *And provided further,* That in no case of an exportation of spirits entitled to drawback, in virtue of this act, shall a debenture or debentures issue, unless the exporter or exporters shall, before the clearance of the ship or vessel in which the spirits were laden for exportation, or within twenty days after such clearance, make oath or affirmation that the said spirits notified for exportation as aforesaid, and laden on board such ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be reloaded within the United States; and shall moreover give bond, with one or more sureties, to the satisfaction of the collector, in a sum equal to double the amount of the sum for which such exporter may be entitled to claim a debenture, conditioned that the said spirits, or any part thereof, shall not be reloaded in any port or place within the limits of the United States, and that the exporter or exporters shall produce, within the time limited, the proof and certificates required, of the said spirits having been delivered without the limits aforesaid.

SEC. 4. *And be it further enacted,* That the said bond shall be drawn, as near as may be, in the same form, and may be discharged in the same manner, as are, or may be prescribed by law in relation to cases where drawback is allowed on the exportation of merchandise imported into the United States, and the like penalties shall be incurred, and proceedings had, whether in regard to officers of the United States or other persons, and the same fees be allowed in cases relative to drawback on domestic distilled spirits, as in cases relative to drawback on foreign spirits; and the form of the said bond, and of the other documents, oaths, and affirmations, not herein inserted, shall be prescribed by the Treasury Department.

SEC. 5. *And be it further enacted,* That in all cases in which drawback shall be claimed for spirits made out of molasses, an oath or affirmation shall be made by two reputable persons one of whom shall not be the exporter, that, according to their belief, the said spirits were distilled from molasses of foreign production; which oath or affirmation, in case the collector of the customs shall not be satisfied therewith, shall be supported by the certificate of a reputable distiller to the same effect.

SEC. 6. *And be it further enacted,* That in addition to the duty at present authorized to be drawn back on sugar refined within the United States, and exported therefrom, there may hereafter be drawn back on such refined sugar, when made out of sugar imported into the United States, the further sum of four cents per pound without deduction, which shall be allowed under the same provisions with the duty now permitted to be drawn back; and furthermore, on the express condition that the person exporting the same shall swear, or affirm that the same, according to his belief, was made out of sugar imported from a foreign port or place; which oath or affirmation,

in case the collector of the customs shall not be satisfied therewith, shall be supported by the certificate of a reputable refiner of sugar to the same effect, and that the drawback on refined sugar heretofore imported, be allowed, subject to the regulations applicable to the drawback of duties on other imported articles.

SEC. 7. *And be it further enacted,* That if any principal or assistant collector of the internal revenue, or collector of the customs, or other officer, shall neglect to perform the duties enjoined upon him by this act, he shall, on conviction thereof, forfeit and pay a sum not less than one hundred dollars, nor more than five hundred dollars.

SEC. 8. *And be it further enacted,* That the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated, to be applied by the Secretary of the Treasury, under the direction of the President of the United States, in the hire, purchase, or building of custom-houses, ware houses, and stores, for the purposes of collecting and securing the revenue at such places, and in such manner as he shall deem most expedient.—Approved, April 30, 1816.

An Act making further appropriations for the year one thousand eight hundred and sixteen.

Be it enacted, &c., That the sum of two thousand dollars be, and the same is hereby, appropriated for compensation to the commissioner appointed under an act, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes" and the further sum of one thousand dollars for compensation to the clerk, authorized by the act aforesaid; for the expense incurred by the board of commissioners appointed under the act providing for the indemnification of certain claimants of public lands in the Mississippi Territory, seven hundred dollars; and for additional compensation to the commissioners aforesaid, and their secretary, four thousand dollars; and for expenses of engraving, printing, and preparing certificates issued, and to be issued, by the commissioners, three thousand dollars; for the expense for clerks employed by the Board of Navy Commissioners seven hundred and fifty dollars in addition to the former appropriation; for the payment of pensions, an additional sum of one hundred and fifty thousand dollars; and for the payment of a clerk in the secretary's office of the Mississippi Territory, employed by the Governor of that Territory from the first of April to the first of August, one thousand eight hundred and fifteen, two hundred dollars; to be paid out of any money in the Treasury not otherwise appropriated.—Approved, April 30, 1816.

Resolutions directing a copy of the documents printed by a resolve of Congress, of the 27th of December, 1813, to be transmitted to each of the Judges of the Supreme Court.

Resolved, &c., That of the two hundred copies

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of the documents ordered to be printed by a resolve of the Senate and House of Representatives of the twenty-seventh of December, one thousand eight hundred and thirteen, the Secretary of State be, and he is hereby, authorized to take one copy for each of the Judges of the Supreme Court of the United States, to be transmitted to said judges, according to the provision of the act of Congress of the eighteenth of April, one thousand eight hundred and fourteen.

Approved, February 6, 1816.

Resolution, to indemnify the sureties of Commodore John Rodgers.

Resolved, &c., That under the peculiar circumstances of the case, of an appeal taken by Commodore John Rodgers, from a decree of the United States circuit court for the district of Massachusetts, affirming that of the district court for the said district, to the Supreme Court of the United States, in the case wherein John Donnel of Baltimore was libellant, and the said John Rodgers and John Smith were respondents, the United States will indemnify and save harmless any person who may become sureties for the said John Rodgers, in a bond to respond the final judgment of the Supreme Court on the said appeal: *Provided,* That this interposition on the part of the United States shall not be considered as involving them in any other engagement or responsibility, than to indemnify and save harmless the said sureties from eventual loss, on account of such suretyship.

Approved, February 15, 1816.

Resolution, requesting the President to present medals to Captain Stewart and the officers of the frigate Constitution.

Resolved, &c., That the President of the United States be, and he is hereby, requested to present to Captain Charles Stewart, of the frigate Constitution, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Stewart, his officers and crew, in the capture of the British vessels of war, the Cyane and the Levant, after a brave and skilful combat.

Approved, February 22, 1816.

Resolution, requesting the President to present medals to Captain James Biddle, and the officers of the sloop-of-war Hornet.

Resolved, &c., That the President of the United States be, and he is hereby, requested to present to Captain Jas. Biddle, of the sloop-of-war Hornet, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said sloop-of-war, in testimony of the high sense entertained by Congress of the gallantry, good conduct and services of Captain Biddle, his officers

and crew, in capturing the British sloop-of-war Penguin, after a brave and skilful combat.

Approved, February 22, 1816.

Resolution, for printing the laws relative to naturalization.

Resolved, &c., That the Secretary of State be authorized and directed to cause to be printed four thousand copies of the laws now in force on the subject of naturalization. And, of the copies which may be so provided, two shall be sent to each marshal of a judicial district of the United States, two to the clerk or prothonotary for each court of the United States, or of a particular State, which may, by law, admit persons to be naturalized, and two to each collector of the customs. The remaining copies, after reserving such as the President of the United States may deem proper for the use of the Executive departments, shall be placed in the Library of Congress.

Approved, April 16, 1816.

Resolution, requiring the Secretary of State to compile and print, once in every two years, a register of all officers and agents, civil, military, and naval, in the service of the United States.

Resolved, &c., That, once in two years, a register, containing correct lists of all the officers and agents, civil, military, and naval, in the service of the United States, made up to the last day of September of each year in which a new Congress is to assemble, be compiled and printed under the direction of the Secretary for the Department of State. And to enable him to form such register, he, for his own department, and the heads of the other departments, respectively, shall, in due time, cause such lists as aforesaid, of all officers and agents, in their respective departments, including clerks, cadets, and midshipmen, to be made and lodged in the office of the Department of State. And the said lists, shall exhibit the amount of compensation, pay, and emoluments allowed to each officer, agent, clerk, cadet, and midshipman, the State or county in which he was born, and where employed.

2. *Resolved,* That the Secretary of the Navy subjoin to the list of the persons employed in his department, the names, force, and condition of all the ships and vessels belonging to the United States, and when and where built.

3. *Resolved,* That five hundred copies of the said register be printed; and that on the first Monday in January in each year, when a new Congress shall be assembled, there be delivered to the President, the Vice President, each head of a department, each member of the Senate and House of Representatives of the United States, one copy of such register; and to the Secretary of the Senate, and Clerk of the House of Representatives, each, ten copies, for the use of the respective houses; that twenty-five copies shall be deposited in the Library of the United States, at the Seat of Government, to be used like other books in that library, and that the residue of the

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said copies be disposed of in such manner as Congress shall from time to time direct.

4. *Resolved*, That, for the information of the present Congress, such register as aforesaid be prepared and distributed as aforesaid, on the first day of its next session.

Approved, April 27, 1816.

A resolution relative to the more effectual collection of the public revenue.

Resolved, &c., That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States as by law provided and declared, or in notes of banks which are payable and paid on demand in the said legal currency of the United States,

and that from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States.

Approved, April 30, 1816.

Resolution, authorizing the President of the United States to employ a skilful assistant in the corps of engineers.

Resolved, &c., That the President of the United States be, and he is hereby, authorized to employ, in addition to the corps of engineers as now established, a skilful assistant, whose compensation shall be such as the President of the United States shall think proper, not exceeding the allowance to the chief officer of that corps.

Approved, April 30, 1816.